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[Intoxicating Liquors in the District of Alaska.]

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 11, 1896.—Referred to the Committee on Territories and ordered to be printed.

The VICE-PRESIDENT presented the following

LETTER FROM THE SECRETARY OF THE INTERIOR, TRANSMITTING, IN RESPONSE TO RESOLUTION OF THE SENATE DATED JANUARY 23, 1896, REPORT OF THE GOVERNOR OF ALASKA FOR THE FISCAL YEAR ENDED JUNE 30, 1895, CALLING ATTENTION TO THE DIFFICULTY ATTENDANT UPON THE ENFORCEMENT OF THE LAWS RELATING TO THE IMPORTATION, MANUFACTURE, AND SALE OF INTOXICATING LIQUORS IN THE DISTRICT OF ALASKA.

DEPARTMENT OF THE INTERIOR,  
*Washington, February 10, 1896.*

SIR: I have the honor to acknowledge receipt of the following resolution of the United States Senate, dated January 23, 1896:

*Resolved*, That the Secretary of the Interior be directed to report to the Senate such information as he may possess of the ways in which the existing laws are violated, the extent of such violations, the defects, if any, in the existing laws which enable such violations to occur, and to suggest such changes in the laws now in force as will enable the United States to regulate or prohibit the importation, manufacture, or sale of intoxicating liquors in the Territory of Alaska.

In response thereto I transmit herewith a copy of the report of the governor of Alaska for the fiscal year ended June 30, 1895, calling attention to the difficulty attendant upon the enforcement of the laws relating to the importation, manufacture, and sale of intoxicating liquors in the District of Alaska, together with copies of papers from the records and files of the Department in the nature of complaints as to violation of the liquor laws and the action of the Secretary of the Interior thereon.

The act of Congress approved May 17, 1884 (23 Stat. L., 28), creating a civil government for the District of Alaska, provides:

SEC. 14. That the provisions of chapter three, title twenty-three, of the Revised Statutes of the United States, relating to the unorganized Territory of Alaska, shall remain in full force, except as herein specially otherwise provided; and the importation, manufacture, and sale of intoxicating liquors in said District, except for medicinal, mechanical, and scientific purposes, is hereby prohibited under the penalties which are provided in section nineteen hundred and fifty-five of the Revised Statutes for the wrongful importation of distilled spirits. And the President of the United States shall make such regulations as are necessary to carry out the provisions of this section.

## Section 1955, Revised Statutes of the United States, provides:

The President shall have power to restrict and regulate, or to prohibit the importation and use of \* \* \* distilled spirits into and within the Territory of Alaska. The exportation of the same from any other port or place in that Territory, and all such \* \* \* distilled spirits exported or attempted to be exported from any port or place in the United States and destined for such Territory, in violation of any regulations that may be prescribed under this section, and all such \* \* \* distilled spirits landed or attempted to be landed or used at any port or place in the Territory, in violation of such regulations, shall be forfeited; and if the value of the same exceeds four hundred dollars the vessel upon which the same is found, or from which they have been landed, together with her tackle, apparel, and furniture and cargo, shall be forfeited; and any person willfully violating such regulations shall be fined not more than five hundred dollars, or imprisoned not more than six months. Bonds may be required for a faithful observance of such regulations from the masters or owners of any vessel departing from any port in the United States having on board \* \* \* distilled spirits, when such vessel is destined to any place in the Territory, or if not so destined, when there is reasonable ground of suspicion that such articles are intended to be landed therein in violation of law; and similar bonds may also be required on the landing of any such articles in the Territory from the person to whom the same may be consigned.

The foregoing, together with section 3240, Revised Statutes of the United States, and section 669 of the Laws of Oregon, comprise all the law relating to liquor traffic applicable to Alaska. The execution and enforcement thereof, as provided in section 1955 of the Revised Statutes, above quoted, devolves upon the Secretary of the Treasury (acting through the customs and internal-revenue service), from whom, it is suggested, a more detailed statement regarding the violations of the law in question can be obtained than this Department is able to furnish.

Under the regulations made by the President and promulgated in Treasury Circular No. 34, dated March 12, 1892 (copy of which is herewith transmitted), the governor of the District of Alaska is authorized to grant permits to persons who have complied with the regulations upon the subject to sell intoxicating liquors for medicinal, mechanical, and scientific purposes; he is authorized to revoke these grants for any violations of the regulations under which they were issued.

The Secretary of the Interior has not, as a general rule, exercised supervisory authority over acts of the governor in the matter of the grant of special permits to sell liquor under the Treasury circular in question. The only instance in which there has been a departure from such rule was in the case of William Nelson, of Juneau, Alaska (copies of whose papers are herewith transmitted), in which the governor being in doubt as to his right without the approval of the Secretary of the Interior to renew the permit or license which had been previously revoked the Department authorized him to grant the desired permit. In all cases, however, where complaints of violations of the liquor law in the District of Alaska have been brought to the attention of the Department they have been uniformly forwarded to the governor for thorough investigation with a view, where the facts warranted such action, of placing the matter before the Secretary of the Treasury.

With reference to so much of the resolution as requires me to "suggest such changes in the laws now in force as will enable the United States to regulate or prohibit the importation, manufacture, or sale of intoxicating liquors in the Territory of Alaska," I have to direct attention to the report of my predecessor, Mr. Secretary Noble, for the fiscal year ended June 30, 1892, wherein careful consideration was given to the condition of affairs in Alaska, and a bill submitted (copy of which is herewith transmitted) "to provide a temporary government for Alaska, and for other purposes," provision being made therein, among other things, for the proper regulation of the liquor traffic within the District of Alaska.

I also transmit herewith for your information copies of the reports of the governor of Alaska for the years 1890, 1891, 1892, 1893, and 1894, respectively, and invite attention to the various statements therein contained regarding the sale of intoxicating liquors in Alaska, and the defects in the law governing the matter.

Very respectfully,

HOKE SMITH, *Secretary.*

The PRESIDENT OF THE SENATE.

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[Circular.]

*Executive order concerning the sale of intoxicating liquors in the Territory of Alaska.*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., March 12, 1892.

For the purpose of more effectually carrying out the law of Congress prohibiting the sale of intoxicating liquors in Alaska, it is ordered that existing rules and regulations regulating the sale of intoxicating liquors in the Territory of Alaska, pursuant to the act of May 17, 1884, are hereby continued in force except as herein modified:

1. Existing statutes and regulations relating to the sale of intoxicating liquors shall be strictly enforced.

2. The sale of intoxicating liquors for medicinal, mechanical, and scientific purposes shall be made only by such persons in said Territory as have obtained a special permit from the governor of the Territory to sell intoxicating liquors therein, upon the following conditions: That before the application for the permit or renewal thereof shall be granted, the applicant shall make and subscribe an oath before an officer authorized to administer oaths in said Territory, as follows:

"I (name) do solemnly swear that I will not sell, give, or furnish any intoxicating liquors to any person otherwise than as provided by law and the regulations established by the President of the United States, under the act of May 17, 1884; and especially that I will not sell or furnish any intoxicating liquors to any person who is not known to me personally or duly identified; nor to any minor, intoxicated person or persons who are in the habit of becoming intoxicated, and that I will not allow any intoxicating liquors to be drunk on or about my premises; and I will make true, full, and accurate returns to all certificates and requests made to or received by me, as required by said regulations; and said returns shall show every sale and delivery of such liquors made by or for me during the month embraced therein, and the true signature to every request received and granted; and such returns shall show all the intoxicating liquors sold or delivered to any and every person as returned."

Such applicant shall also file with his said application a bond to the governor of said Territory, in such penal sum as the governor shall prescribe, not less than five hundred dollars (\$500), conditioned that for any violation of said act of May 17, 1884, or the regulations established by the President thereunder, said bond shall be forfeited. Such bond shall be signed by the applicant or applicants, as principal or principals, and by at least two sureties, who shall justify under oath in the sum of five hundred dollars (\$500) each over and above all indebtedness and exemptions, and such bond shall be approved by and deposited with the governor. The United States and any person or persons who may be injured or damaged by reason of any violation of said law, or the regulations thereunder, may have an action upon such bond.

Upon taking said oath and filing said bond, the governor of said Territory may issue to the applicant a permit authorizing him to keep and sell intoxicating liquors as provided by said act and regulations made thereunder; and every permit so granted shall specify the building, giving the location thereof by street or number, in which intoxicating liquors may be sold by virtue of the same, and the length of time the same shall be in force, which in no case shall exceed twelve months.

3. The sale for medicinal purposes shall be made only upon the prescription of a reputable practicing physician of said Territory, stating the kind and quantity of liquor necessary to be used by the patient.

4. The sale for mechanical and scientific purposes shall be made only upon application duly subscribed and sworn to by the applicant in person, before some person authorized to administer oaths, made by the party desiring to use the same, stating the kind and quantity of liquor required, and that the same is necessary for mechanical or scientific purposes (stating particularly the purpose, and the exact locality where to be used).

5. No licensed person shall sell or deliver any intoxicating liquors to any person if he has reason to believe that the applications, certificates, or affidavits submitted to him by applicants are evasive or untrue; or to any minor, or intoxicated person, or to one addicted to intoxication. If the applicant is not personally known to the person selling, before filling his request he shall require identification by a person known to him, and a statement signed by such witness that the applicant is not a minor, and is not in the habit of using intoxicating liquors to excess, and is worthy of credit as to the truthfulness of the statements in his application.

6. At the end of each month each licensed person shall make out and forward to the governor an itemized report of the date and quantity sold to each person, and the purpose for which it was bought; and if upon a prescription, the name of the physician giving the same, which report shall be sworn to.

7. Any person violating these regulations, or the provisions of law relative to the sale of distilled spirits or intoxicating liquors in Alaska shall be liable, upon conviction in the proper tribunal, to the penalties imposed in section 1955 of the Revised Statutes of the United States, and in any event upon such violation by such person his permit shall be revoked and not renewed without approval of the Secretary of the Interior.

8. In case any physician makes a false certificate as to matters aforesaid, any certificate of his thereafter shall be rejected and no application shall be granted thereon; and, in any case, when a false affidavit is made, all applications by such person thereafter shall be rejected. Copartnerships, corporations, and all associations are included within the foregoing rules.

9. The governor shall have power to suspend or revoke any permit issued by him to any person whenever, in his judgment, it is shown, after due notice, that such person has failed to comply with the rules and regulations prescribed herein, or that the best interests of the inhabitants of the Territory require such suspension or revocation of the permit.

10. Every person who, under these regulations, shall have obtained a special permit from the governor of the Territory of Alaska to sell intoxicating liquors for medicinal, mechanical, and scientific purposes, will also be required to pay to the collector of internal revenue of the district of Oregon (in which collection district the Territory of Alaska is included) the special tax as a liquor dealer, and in all other respects to comply with the internal-revenue laws.

O. L. SPAULDING,  
*Acting Secretary.*

EXECUTIVE MANSION, March 11, 1892.

Approved:

BENJ. HARRISON.

[Extract from report of the Secretary of the Interior for fiscal year ended June 30, 1892.]

#### SECRETARY'S RECOMMENDATION.

Alaska is virtually without organization or government. Outrages occur without possibility of prevention or punishment. Smugglers infest the coast and debauch the natives, and the natural resources for food supplies are being recklessly wasted and exhausted to a great extent by aliens. There is presented [see Exhibit C] a bill that has received the scrutiny of the Commissioner of Education, the Assistant Attorney-General (Shields), and myself, and it is deemed such as will remedy greatly the evils existing. The appropriation for a police steam vessel is particularly desirable. The presence of such a boat to run along the coast and among the islands, to which many fugitives escape, would be of great and immediate benefit.

The following is a résumé of a letter, dated Port Townsend, Wash., August 24, 1892, received by the Commissioner of Education from Mrs. L. H. Daggett, secretary of the Alaskan bureau of the Methodist Episcopal Church, who has just returned from an official visit to the school maintained by the Methodist Church, aided by the Bureau of Education, at Unalaska, Alaska, the most important settlement in western Alaska, the rendezvous for all vessels in the Bering Sea trade:

"During the three or four warm months the island of Unalaska is infested with sailors from the various and numerous vessels that stop there, and those from the whalers are not only annoying but dangerous. The United States marshal has been a staunch friend of the school and scholars, but he is soon to leave.

"The salary is so meager that few fit persons will take it—\$700 and perquisites, which are as meager as the salary. He made a drunken sailor pay him \$5 for giving him (the sailor) a beating.

"There is no law there. For a time there was what was called a United States

commissioner, but what of, no one knows. He was surely no 'terror to evil doers.' They had been expecting another man called by the same name.

"This man should be a man, not a tool in the hands of such as desire to keep law from the place; a lawyer and a judge, a righteous one, too.

"The marshal is simply a police officer, but as there is no lockup all he can do is to drag the prisoners aboard ship or beat them and let them run.

"I have detailed all this hoping it may be in your power to look into the matter as to who is sent out there. Is it not your privilege and right to see the appointing power and state the imperative necessity for two good men, and not only good but wise and judicious men, equal to the demands of justice, to be sent there?"

(See sections 13, 14, 15, relative to sale of liquors in District of Alaska.)

[Exhibit C in report of Secretary of Interior, 1892.]

A. BILL to provide a temporary government for Alaska, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the territory ceded to the United States by Russia by the treaty of March thirtieth, eighteen hundred and sixty-seven, approved by the President of the United States on the twentieth day of June, eighteen hundred and sixty-seven, and known as Alaska, be, and the same is hereby, created into a temporary government by the name of the Territory of Alaska, and the seat of government, until otherwise provided by law, shall be located at Sitka: *Provided*, That nothing in this act shall be construed to inhibit the Government of the United States from dividing said Territory or changing its boundaries in such manner and at such time as Congress shall deem convenient and proper, or from attaching any portion to any other State or Territory of the United States.

SEC. 2. That the executive power of the Territory of Alaska shall be vested in a governor, who shall reside within said Territory and shall be commander-in-chief of the militia thereof, with power to call out the same when necessary to the due execution of the laws. He may grant pardons and reprieves for offenses against the laws of the Territory, and reprieves for offenses against the laws of the United States committed therein until the decision of the President can be made known thereon, who may confirm or annul the same. He shall commission all officers who shall be appointed by him to office in said Territory; he shall make an annual report on the first day of October in each year to the President of his official acts, of the condition of said Territory relative to its resources, industries, population, and the administration of the government thereof. He shall also inquire concerning the operations of the Alaska Seal and Fur Company, and make an annual report to Congress of the result of his investigations, and of all violations by said company of the agreement existing between the United States and said company.

SEC. 3. That there shall be a secretary of said Territory, who shall reside therein, and he shall record all of the acts and proceedings of the governor in his executive department. And in case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy and absence, or until another governor shall be duly appointed and qualified to fill such vacancy.

SEC. 4. That the Territory of Alaska shall constitute a judicial district; that there shall be and hereby is established a district court for said district with the civil and criminal jurisdiction of district courts of the United States, and the civil and criminal jurisdiction of district courts of the United States exercising the jurisdiction of circuit courts, and such other jurisdiction, not inconsistent with this act, as may be established by law; that a district judge shall be appointed for said district, who shall reside in said Territory during his term of office, and shall hold at least two terms of said court therein in each year, one at Sitka, beginning on the first Monday in May, and the other at Wrangel, beginning on the first Monday in November, and shall also hold such special terms as may be necessary for the transaction of the business of said court, at such times and places in said district as he may deem expedient, and may adjourn such special term to any other time previous to a regular session. He may also employ interpreters, and make allowances for the necessary expenses of his court.

SEC. 5. That a clerk shall be appointed for said court, who shall be ex officio treasurer of said Territory, a district attorney, and a marshal, all of whom shall reside in said Territory during their terms of office. The clerk shall record all of the proceedings of said court and perform the duties usually devolving upon clerks of the district courts of the United States. He shall receive all moneys collected from fines, forfeitures, or in any other manner, except from violations of the customs laws, and shall apply the same to the incidental expenses of the said district court, and the allowance thereof, as directed by the judge of said court, and shall account for the same in detail, and for any balances on account thereof, quarterly, to and under

the direction of the Secretary of the Treasury. He shall be ex officio recorder of deeds and mortgages and certificates of location of mining claims and other contracts relating to real estate and register of wills for said Territory, and shall establish secure offices in the towns of Sitka and Wrangel, in said Territory, for the safe-keeping of all his official records and of records concerning titles to lands in said Territory: *Provided*, That there shall be established separate offices at the settlements of Unalaska, Juneau City, Kadiak, Sand Point, and Saint Michaels, respectively, for the recording of such instruments as may pertain to the several parts of said Territory most convenient to said settlements, the limits of which shall be defined by the governor, and the said offices shall be in charge of the commissioners respectively as hereinafter provided.

SEC. 6. That the President shall appoint seven commissioners in and for the said Territory, who shall have the jurisdiction and powers of commissioners of the United States circuit courts in any part thereof, but who shall reside, one at Sitka, one at Wrangel, one at Unalaska, one at Juneau City, one at Kadiak, one at Sand Point, and one at Saint Michaels. Such commissioners shall exercise all the duties and powers, civil and criminal, now conferred on justices of the peace under the general laws of the State of Oregon, and they shall also have and exercise all the duties, powers, and jurisdiction vested in, exercised, and held by county judges under said general laws, so far as the same may be applicable in said Territory, and may not be in conflict with this act or the laws of the United States. They shall receive an annual salary of two thousand dollars each, payable out of the Treasury of the United States, which salary shall be in lieu of all fees for services rendered by them. They shall also have jurisdiction, subject to the supervision of the district judge, in all testamentary and probate matters, and for this purpose their courts shall be opened at stated terms and be courts of record, and be provided with a seal for the authentication of their official acts.

They shall also have power to grant writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, which writs shall be made returnable before the said district judge for said district; and like proceedings shall be had therein as if the same had been granted by said judge under the general laws of the United States in such cases.

Said commissioners shall also have the power of notaries public, and shall keep a record of all deeds and other instruments of writing acknowledged before them and relating to the title or transfer of property within said district, which record shall be subject to public inspection. They shall collect fees for notarial and ministerial services as are allowed by the laws of Oregon for similar services. Said commissioners shall also keep a record of all fees, fines, and forfeitures received by them, and shall pay over the same quarterly to the clerk of said district court. The governor appointed under the provisions of this act may establish precincts within said Territory, and commission a justice of the peace and constable for and within each precinct, and who shall hold office severally for two years, and be invested, respectively, with the jurisdiction, powers, duties, and emoluments of like officers under the general laws of Oregon: *Provided, however*, That the appeals from the judgments of justices of the peace prescribed by said general laws shall lie in each case arising under this section to the nearest of the seven commissioners created by this act.

SEC. 7. That the marshal for said district shall have the general authority and powers of the United States marshals of the States and Territories. He shall be the executive officer of said court and charged with the execution of all processes of said court and with the transportation and custody of prisoners, and he shall be ex officio keeper of the jail or penitentiary of said district. He shall appoint seven deputies, who shall reside severally at Sitka, Wrangel, Unalaska, Juneau, Kadiak, Sand Point, and Saint Michaels, and they shall respectively be ex officio executive officers of the commissioners' courts herein provided, and shall have the powers and discharge the duties of United States deputy marshals and of constables under the general laws of the State of Oregon.

SEC. 8. That the general laws of the State of Oregon now in force are hereby declared to be the law in said Territory, so far as the same may be applicable and not in conflict with the provisions of this act or the laws of the United States, and the sentence or imprisonment in any criminal case shall be executed by confinement in the jail or penitentiary hereinafter provided for. But the said district court shall have exclusive jurisdiction in all cases in equity or those cases involving titles to land, or mining rights, or the constitutionality of any law, and in all criminal offenses which are capital. In all civil cases at common law, any issue of fact shall be determined by a jury, at the instance of either party, and an appeal shall lie in any case, both civil or criminal, from the judgment of said commissioners to the said district court where the amount involved in any civil case is two hundred dollars or more and in any criminal case where a fine of more than one hundred dollars or imprisonment is imposed, upon the filing of a sufficient appeal bond by the appellant, to be approved by the court or commissioners. Writs of error in criminal cases

shall issue to the said district court from the United States circuit court for the district of Oregon in the cases provided in chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-nine; and the jurisdiction thereby conferred upon circuit courts is hereby given to the circuit court of Oregon. And the final judgments or decrees of district courts may be reviewed by the appellate courts of the United States as in other cases.

SEC. 9. That the said Territory of Alaska is hereby created a land district, and a United States land office for said district is hereby located at Sitka. That there shall be appointed a register and receiver of said land office and also a surveyor-general for said Territory, who shall reside at Sitka and who shall be invested with the same authority and be entitled to the same compensation as is now prescribed by law for like officers in the State of Oregon. That the general land laws of the United States shall, from and after the passage of this act, be in full force and effect in said Territory, subject to such regulations as may be made by the Secretary of the Interior: *Provided*, That section twenty-three hundred and forty-seven of the Revised Statutes of the United States shall not be in force in said Territory: *And provided further*, That lands in the actual occupancy of Indians shall not be subject to settlement and entry so long as such occupancy continues, but said Indians may have the privilege of making homestead entries of the lands occupied by them under the provisions of existing laws relative to Indian homesteads: *And provided further*, That sections eleven, twelve, thirteen, fourteen, and fifteen of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, are hereby continued in force, except that applications to enter lands under said sections shall be made to the land officers designated in this act. But any religious society may receive patent, with the approval of the Secretary of the Interior, for land at any station in said Territory, not exceeding six hundred and forty acres, with improvements which it has placed thereon, and which it has used for educational and missionary work among the Indians, which patent shall secure to such society the land only so long as it shall be used and occupied for missionary and educational work among said Indians.

SEC. 10. That the governor, secretary, attorney, judge, marshal, clerk, and commissioners provided for in this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall hold their respective offices for the term of four years and until their successors are appointed and qualified. They shall severally receive the fees of office established by law for the several offices, the duties of which have been hereby conferred upon them, as the same are determined and allowed in respect of similar offices under the laws of the United States, which fees shall be reported to the Attorney-General and paid into the Treasury of the United States.

They shall receive, respectively, the following annual salaries:

The governor the sum of three thousand dollars, the secretary the sum of two thousand five hundred dollars, the attorney the sum of three thousand dollars, the marshal the sum of two thousand five hundred dollars, the judge the sum of three thousand dollars, and the clerk the sum of two thousand five hundred dollars, payable to them quarterly from the Treasury of the United States.

The district judge, marshal, and district attorney shall be paid their actual necessary expenses when traveling in the discharge of their official duties.

A detailed account shall be rendered of such expenses under oath, and as to the marshal and district attorney such account shall be approved by the judge, and as to his expenses by the Attorney-General.

The deputy marshals, in addition to the usual fees of constables in Oregon, shall receive each a salary of one thousand dollars, which salaries shall also be payable quarterly, out of the Treasury of the United States.

Each of said officials shall, before entering on the duties of his office, take and subscribe an oath that he will faithfully exercise the same, which said oath may be taken before the judge of said district or before either of said commissioners. That all officers appointed for said Territory, before entering upon the duties of their offices, shall take the oaths required by law, and the laws of the United States not locally inapplicable thereto and not inconsistent with the provisions of this act are hereby extended over said Territory.

And said clerk and marshal shall execute a bond, with sufficient sureties, in the penalty of ten thousand dollars, for the faithful performance of their duties, and file the same with the Secretary of the Treasury before entering on the duties of their respective offices; and the commissioners shall each execute a bond, with sufficient sureties, in the penalty of three thousand dollars, for the faithful performance of their duties, and file the same with the clerk before entering on the duties of their office.

SEC. 11. That any of the public buildings in said district not required for the customs service or military purposes shall be used for court rooms and offices of the civil government; and the Secretary of the Treasury is hereby directed to instruct



and authorize the custodian of said buildings forthwith to make such repairs to the jail in the town of Sitka, in said district, as will render it suitable for a jail and penitentiary for the purposes of the civil government hereby provided, and surrender to the marshal the custody of said jail and the other public buildings, or such parts of said buildings as may be selected for court rooms or official purposes.

SEC. 12. That the Attorney-General shall furnish for the use of the officers of said Territory so many copies of the general laws of the United States pertaining to the duties of the governor, secretary, attorney, judge, clerk, marshals, and commissioners, compiled by him under the provisions of section eleven of the act of May seventeenth, eighteen hundred and eighty-four, entitled "An act providing a civil government for Alaska," and also so many of the copies of the laws of Oregon applicable to said Territory as may be necessary. That the governor of said Territory shall be authorized to lease suitable buildings for use of the commissioners and justices of the peace in holding their respective courts, and also for jails or lockups for the detention of prisoners within their respective jurisdictions, which leases shall be subject to the approval of the Secretary of the Interior.

SEC. 13. That after this act shall take effect no person shall manufacture, sell, keep for sale, give away, exchange, barter, or dispense any intoxicating or distilled spirits for any purpose whatever, otherwise than as provided in this act. The sale of distilled spirits or intoxicating liquors for medical, mechanical, and scientific purposes shall be made only by a druggist who has been duly authorized to do business as such in said Territory, and who has obtained a special permit from the governor of the Territory to sell intoxicating liquors therein, upon the following conditions: That before the application for the permit, or renewal thereof, shall be granted, the applicant shall make and subscribe an oath before an officer authorized to administer oaths in said Territory, as follows: "I, [name,] do solemnly swear that I will not sell, give, or furnish any intoxicating liquors to any person otherwise than as provided by law and regulation, and especially that I will not sell or furnish any intoxicating liquors to any person who is not known to me personally or duly identified; nor to any minor, intoxicated person, or persons who are in the habit of becoming intoxicated, and that I will not allow any intoxicating liquors to be drunk on or about my premises; and I will make true, full, and accurate returns of all certificates or requests made to or received by me for intoxicating liquors, and said returns shall show every sale or delivery of such liquors made by or for me during the month embraced therein, and the true signature to every request received and granted; and I will, in all respects, comply with the rules duly prescribed by the Secretary of the Interior as to the sale of intoxicating liquors for medical, mechanical, and scientific purposes."

Such applicant shall also file with his said application a bond to the governor of said Territory, in said penal sum as the governor shall prescribe, not less than one thousand dollars, conditioned that for any violation of this law said bond shall be forfeited. Such bond shall be signed by the applicant or applicants, as principal or principals, and by at least two sureties, who shall justify under oath in the sum of one thousand dollars each, over and above all indebtedness and exemptions, and shall be approved by the governor. The said bond shall be deposited with the secretary of said Territory, and suit shall be brought thereon at any time by the United States attorney for said Territory, and in case the conditions thereof, or any of them, shall be violated, the principals and sureties therein shall be jointly and severally liable for the penalty of said bond, and the same when collected shall be paid into the Treasury of the United States as other fines and penalties are paid. Upon taking said oath and filing said bond the governor of said Territory shall issue to the applicant a permit authorizing him to keep and sell intoxicating liquors as provided by said act and regulations made thereunder, and every permit so granted shall specify the building, giving the location thereof by street or number, in which intoxicating liquors may be sold by virtue of the same, and the length of time the same shall be in force, which in no case shall exceed twelve months. The sale of intoxicating liquors for medicinal purposes shall be made only upon the prescription of a regularly practicing physician in said Territory, stating the kind and quantity of liquor necessary to be used by the patient in order to cure or alleviate the disease with which he is afflicted. The sale of intoxicating liquors or distilled spirits for mechanical and scientific purposes shall be made by said druggist only upon application duly subscribed and sworn to by the applicant in person, before some person authorized to administer oaths, made by the party desiring to use the same, stating the kind and quantity of liquor required, and that the same is necessary for mechanical or scientific purposes (stating particularly the purpose and exact locality where the same is to be used); that neither the applicant nor the person for whose use requested habitually uses intoxicating liquors as a beverage; that he can not successfully carry on his business without the use thereof; and the Secretary of the Interior, with the approval of the President, shall prescribe rules regulating the manner and limiting the quantity of intoxicating liquors sold for medicinal, mechanical, and

scientific purposes. Any druggist or other person violating the provisions of law or the regulations relative to the sale of distilled spirits or intoxicating liquors in Alaska shall be deemed guilty of a misdemeanor, and upon conviction in the proper tribunal shall pay a fine of not more than five hundred dollars or be imprisoned for not more than six months in any jail in said Territory, and upon such violation by any druggist his permit shall be revoked and not renewed without the approval of the Secretary of the Interior.

In case any physician makes a false certificate as to matters aforesaid, any certificate of his thereafter shall be rejected and no application shall be granted thereon; and in any case when a false affidavit is made, or anyone obtains any liquor under these regulations and uses it for a beverage, or otherwise than strictly for medicinal, mechanical, or scientific purposes, all applications by him thereafter shall be rejected. Copartnerships, corporations, and all manner of associations are included within the foregoing provisions.

The governor shall have power to suspend or revoke any permit issued by him to any druggist whenever, in his judgment, it is shown, after due notice, that said druggist has failed to comply with the provisions of law prescribed herein, or that the best interests of the inhabitants of the Territory require such suspension or revocation of the permit.

Every druggist who, under this act, shall have obtained a special permit from the governor of the Territory of Alaska to sell distilled spirits, wines, or malt liquors for medicinal, mechanical, and scientific purposes, will also be required to pay to the collector of internal revenue of the district of Oregon (in which collection district the Territory of Alaska is included) a special tax as a liquor dealer, and to take out the requisite stamp and post it up conspicuously in his place of business: *Provided, however,* That said collector shall not issue to any person any stamp or receive from anyone a special tax as liquor dealer who shall not have a valid permit from the governor of said Territory for the sale of intoxicating liquor or distilled spirits therein, as required by this act; and any violation of this provision shall be deemed a misdemeanor, and the party paying such tax, or the officer receiving the same, shall, upon being convicted thereof in said district or commissioner's court, pay a fine of not more than five hundred dollars, and in addition may be imprisoned not more than six months, at the discretion of the court trying the case.

SEC. 14. That if any person shall be found in said Territory in a state of intoxication, he shall be deemed guilty of a misdemeanor, and any peace officer may, without warrant, and it is hereby made his duty to take such person into custody, and to detain him in some suitable place till an information can be made before a magistrate and a warrant issued in due form, upon which he may be arrested and tried, and if found guilty he shall pay a fine of ten dollars and the costs of prosecution, or shall be imprisoned in some jail in said Territory for thirty days. But the court before whom such person is tried and convicted may remit any portion of such penalty and order the prisoner to be discharged upon his giving information, under oath, stating when, where, and of whom he purchased or received the liquor which produced the intoxication, and the name and character of the liquor obtained: *Provided,* That the prisoner gives bail for his appearance before the proper magistrate, court, or jury to give testimony in any action or complaint against the party for furnishing such liquor. That if any credible resident of any precinct in said Territory shall make a written information, supported by his oath or affirmation, before any commissioner or justice of the peace therein, that he has reason to believe, and does believe, that any intoxicating liquor, described as particularly as may be in said information, is owned or kept by any person named or described in said information, as particularly as may be, and is intended by him to be sold in violation of the provisions of this act, said officer shall, upon finding probable cause for such information, issue his warrant of search, directed to any peace officer in said precinct, describing, as particularly as may be, the liquor and the place described in said information and the owner or keeper of said liquor, and commanding him to search thoroughly said place, and to seize the said liquor, with the vessels containing it, and to keep the same securely until final action be had thereon; whereupon the said peace officer to whom such warrant shall be delivered shall forthwith obey and execute the same so far as he shall be able and make due return of his action to the officer issuing said warrant, and shall securely keep all liquor so seized by him, and the vessels containing it, until final action be had thereon: *Provided, however,* That if the place to be searched be a dwelling house in which any family resides, and in which no tavern, eating house, grocery, or other place of public resort is kept, such warrant shall not be issued unless said complainant shall, on oath or affirmation, declare before said officer that he has reason to believe, and does believe, that within thirty days next before the making of said information, intoxicating liquor has been, in violation of this act, sold in said house by the person accused in said information, or by his consent or permission; nor unless upon the facts and circumstances disclosed to said officer in such complaint he shall believe that said complainant has adequate reason

for such belief. That when any liquors shall have been seized under any such warrant, the same shall not be discharged or returned to any person claiming the same by reason of any alleged insufficiency of description in the warrant of the liquor or place, but the claimant shall only have a right to be heard on the merits of the case.

SEC. 15. That whenever upon such warrant such liquor shall have been seized, the officer who issued such warrant shall, within forty-eight hours after such seizure, cause to be left at the place where said liquor was seized, if said place be a dwelling house, store, or shop, posted in some conspicuous place on or about said building, and also be left with or at the last known and usual place of residence of the person named or described in said information as the owner or keeper of said liquor, if he be a resident of said Territory, a notice summoning such person, and all others whom it may concern, to appear before said officer at a time and place named therein, not less than five nor more than fifteen days after the posting of said notices, and show cause why said liquor and the vessels containing the same should not be forfeited; and said notice shall, with reasonable certainty, describe said liquor and vessels, and shall state where, when, and why the same were seized. If, at the time and place stated in said notice, any person shall appear and claim an interest in said liquor or vessels, or any part thereof, such person shall be made a party defendant in said case. But in case no one appears at the time and place stated in said notice, the officer issuing such warrant shall proceed to the trial of said case, and said complainants or either of them may, and upon their default the officer having such liquor in custody shall, appear before the court issuing such warrant and prosecute said information and show cause why such liquor should be adjudged forfeited. The proceedings in the trial of such cases shall be substantially like that in the trials of misdemeanors before said officers, and if upon the evidence submitted at the trial the court shall find that said liquor was, when seized, owned or kept by any person, whether said party defendant or not, for the purpose of being sold in violation of this act, the court shall render judgment that said liquor, or any part thereof, with the vessels in which it is contained, is forfeited.

Whenever it shall be finally decided that liquor seized as aforesaid is forfeited, the court rendering penal judgment of forfeiture shall issue to the officer having said liquors in custody, or to some other peace officer, a written order directing him forthwith to destroy said liquor and vessels containing the same, and immediately thereafter to make return of his action under said order, under oath, to the court issuing the same. Whenever it shall be finally decided that any liquor so seized is not liable to forfeiture, the court by whom such final decision shall be rendered shall issue a written order to the officer having the same in custody, or to some other peace officer, to restore said liquor, with the vessels containing the same, to the place where it was seized, as nearly as may be, or to the person entitled to receive it, which order the officer, after executing, shall return to the said court with his action indorsed thereon; and the costs of the proceedings in such case attending the restoration, as also the costs attending the destruction of such liquor in case of forfeiture, shall be taxed and paid in the same manner as is provided in case of ordinary criminal prosecution where the prosecution fails: *Provided*, That in any indictment or information arising under this act it shall not be necessary to set out exactly the kind or quantity of intoxicating liquors manufactured or sold or kept for purposes of sale, nor the exact time of the manufacture or sale or keeping with intent to sell, but proof of the violation by the accused of any provision of this act relative to manufacture or sale of intoxicating liquors, the substance of which violation is briefly set forth, within the time mentioned in said indictment or information, shall be sufficient to convict such person; nor shall it be necessary in any indictment or information to negative any exception contained in this act which may be a proper ground of defense, nor shall it be necessary in every case to prove payment in order to prove a sale within the true meaning of this act; and the person purchasing any intoxicating liquor sold in violation of this act shall, in all cases, be a competent witness to prove such sale: *And provided further*, That whenever the words "intoxicating liquors" occur in this act, the same shall be construed to mean alcohol, ale, wine, beer, spirituous, vinous, and malt liquors and all intoxicating liquors whatever.

SEC. 16. That municipal corporations may be formed in said Territory upon the application of a majority of the male inhabitants over twenty-one years of age, who have resided therein for a period of three months next preceding said application, to a commission consisting of the governor, the secretary, and marshal, under general regulations to be prescribed by said commission and approved by the Secretary of the Interior; the organization, powers, duties, and procedure of such corporations shall be prescribed by said regulations not in conflict with the general provisions of the laws of Oregon applicable thereto: *Provided*, That the justice of the peace and constable appointed under the provisions of this act shall be ex officio, respectively, the recorder and the marshal of any such corporation within the limits of their precinct; the marshal of any such corporation shall be ex officio commissioner of streets, and the governor, upon the recommendation of said commission, shall appoint a

treasurer for such corporation, who shall be a householder therein, and who shall give bond in such sum as the governor may prescribe, and shall hold his office for the term of two years and until his successor shall be duly appointed and qualified. He shall receive for his services such compensation as may be fixed by said commission. Said commission shall have power to make all necessary and proper police and sanitary regulations for such corporations, and fix the fines, penalties, and forfeitures for any violation thereof, which may be enforced in any court in said Territory having jurisdiction of minor offenses therein.

SEC. 17. The governor, judge, secretary, and United States district attorney of Alaska shall constitute a special commission to be known as the "Board of Charities," with power to make regulations relative to the government of hospitals, for the relief of the poor, sick, and insane, the shipwrecked sailors, the location of cemeteries, the sanitary condition of villages, and any other matters relating to the public health in said Territory. Said commission shall make an annual report to the Secretary of the Interior of its proceedings and such recommendations as the members of said commission shall consider necessary for the efficient discharge of their duties under this act.

SEC. 18. That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a superintendent of education for Alaska, who shall hold his office for a term of four years, and until his successor is appointed and qualified, and who shall give bond in such sum as may be prescribed by the Secretary of the Interior. He shall receive a salary of two thousand five hundred dollars per year, and shall reside in said Territory during his term of office. He shall have supervision over all of the schools in said Territory, under the direction of the Commissioner of Education, and shall make such reports to him as may be required. The Commissioner of Education, with the approval of the Secretary of the Interior, shall make regulations providing for compulsory attendance upon the schools and imposing penalties for a violation thereof, which shall have the same force and effect as though specially prescribed in this act.

SEC. 19. That all persons, including Indians born or naturalized in the United States and subject to its jurisdiction, residing in Alaska at the date of the passage of this act are declared to be citizens of the United States and of said Territory, and every male citizen of the United States above the age of twenty-one years, except idiots and insane persons and those convicted of an infamous offense, who shall have resided in said Territory three months prior to any duly authorized election therein, shall be entitled to vote at such election: *Provided*, That no officer, soldier, seaman, marine, or other person in the Army or Navy, or attached to the service of the United States, shall be allowed to vote in said Territory by reason of being in service therein; and no person belonging to the Army or Navy shall be elected to or hold any civil office in said Territory.

That a Delegate to the House of Representatives of the United States, who shall be a qualified elector of said Territory, may be elected by the qualified voters thereof, to serve during each Congress of the United States, and shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States in the said House of Representatives. The election of said Delegate shall, until otherwise provided by law, be held at such time and places and be conducted in such manner as the governor shall appoint and direct; and the person having the greatest number of votes of the qualified electors, as hereinbefore provided, shall be declared by the governor elected, and a certificate thereof shall be accordingly given.

SEC. 20. Every person who shall exhibit, use, employ, apprentice, give away, let out, or otherwise dispose of any child under the age of sixteen years for any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever, or for or in any business, exhibition, or vocation injurious to the health or dangerous to the life or limb of such child, or who shall cause, procure, or encourage any such child to engage therein, shall be fined not less than one hundred nor more than one thousand dollars, or imprisonment not less than thirty days nor more than one year, or both; and the justices of the peace and commissioners under this act shall have jurisdiction to try and punish the person charged with said offenses without the intervention of a jury; but the defendants, when convicted of a violation of said provisions, shall have the right of appeal to the district court, with right to trial by jury as in other cases. It shall be the duty of said officers, whenever it shall be made known to them that any person having charge of a minor child, whether parent, relation, or guardian, is unfit from any cause to properly care for such child, or that such parent, relative, or guardian has sold or given, or is about to sell or give, such child in marriage against his or her will, and contrary to law, to cause such child to be brought before them, and upon sufficient proof, after notice to the person having in custody such child, they shall bind the child over to a suitable training school in Alaska, under regulations to be prescribed by the board of charities designated in this act until such child becomes of age.

SEC. 21. That in all criminal trials in Alaska the pleadings, practice, and mode of procedure shall conform to those in criminal cases in the courts of Oregon, and the crimes of murder and rape shall be tried under the laws of Oregon instead of the laws of the United States.

SEC. 22. That the provisions of the acts of Congress approved March second, eighteen hundred and eighty-seven, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two," and an act approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two," are hereby extended to Alaska, and the Secretary of the Interior is hereby authorized and empowered to receive and disburse, through the Bureau of Education, for the benefit of said Territory, all moneys now or hereafter appropriated under said acts, in like manner as for any other Territory. That the Secretary of the Interior is hereby authorized and empowered to introduce reindeer into Alaska for domestic purposes.

SEC. 23. That the establishment of fisheries or canneries of any kind on or near the waters or streams of Alaska north of Bering Straits is declared to be illegal, and any person or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction in any of the courts of said Territory shall be punished by a fine of not more than two hundred and fifty dollars or by imprisonment for not less than thirty days nor more than six months, at the discretion of the court trying the case; and upon conviction the cannery and its appurtenances, and the nets, boats, and other implements used in catching the fish for such canneries shall be forfeited to the United States.

SEC. 24. That it shall be unlawful for any person except natives of Alaska to reside on the coast thereof north of Bering Straits and within the interior north of the Arctic Circle, except with a special permit from the Secretary of the Treasury, or unless under permit from the Commissioner of Education to engage in teaching or missionary work; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to the same punishment as prescribed in section twenty-two of this act.

SEC. 25. That the Secretary of the Interior is authorized to contract for the purchase or construction of a steam vessel of from one hundred to two hundred tons capacity, having accommodations for at least twenty-five passengers, with a speed of not less than nine knots per hour, for special service in Alaskan waters, to be used by the officers of the civil government of the Territory in the discharge of their official duties and in the administration of the government, under regulations to be prescribed by the Secretary of the Interior.

SEC. 26. That the following sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be disbursed under the direction of the Secretary of the Interior in the same manner that similar appropriations are disbursed in other Territories of the United States, namely:

To pay the salaries of the officers created by this act in addition to those provided for by the act of Congress approved May seventeenth, eighteen hundred and eighty-four, entitled "An act providing a civil government for Alaska," for the fiscal year ending June thirtieth, eighteen hundred and ninety-two, ten thousand dollars.

To pay for the rent of buildings for the courts of commissioners and justices of the peace, also for jails and lockups for the detention of prisoners, the sum of twenty thousand dollars.

To enable the Secretary of the Interior to purchase reindeer, as provided in this act, the sum of fifteen thousand dollars.

For the purchase of a steam vessel, as heretofore provided, the sum of fifty thousand dollars; and the further sum of ten thousand dollars is hereby appropriated to defray the current expenses and repairs upon said vessel, or so much thereof as may be necessary.

To pay for the rent of buildings, records, and clerk hire necessary for the land officers in Alaska, the sum of two thousand dollars, or so much thereof as may be necessary, to be disbursed under the direction of the Secretary of the Interior.

For the establishment of a military post in the interior of Alaska, near the junction of the Tananah and Yukon rivers, in Alaska, the sum of sixty thousand dollars is hereby appropriated, to be expended under the direction of the Secretary of War, to be immediately available.

For the survey of the agricultural lands in Alaska is hereby appropriated the sum of twenty-five thousand dollars, to be expended under the direction of the Secretary of the Interior: *Provided*, That sections sixteen and thirty-six, not mineral, be, and the same are hereby, reserved for the use of public schools in Alaska, and if upon

the filing of the plat of survey of any township, any tract in said sections shall be occupied by a duly qualified settler, the superintendent of education shall select other tracts of an equal amount in lieu of those so occupied.

SEC. 27. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That all officers holding office in Alaska at the time of the passage of this act shall continue to hold office and exercise the duties thereof, except as herein modified, until their respective offices expire: *And provided further*, That the changes herein shall not affect any act done, or any act accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal; but all rights and liabilities under said acts shall continue and may be enforced in the same manner as if this act had not passed, and all offenses committed and all penalties or forfeitures incurred under any act which is changed by the provisions of this act shall be prosecuted and punished in the same manner and with the same effect as if said change had not been made.

JUNEAU, ALASKA, August 23, 1894.

SIR: The application of William Nelson, of Juneau, Alaska, respectfully shows: That on the 15th day of May, 1893, under and in pursuance of the Executive order concerning the sale of intoxicating liquors in the Territory of Alaska, signed by the President and bearing date the 12th day of March, 1892, Hon. Lyman E. Knapp, then governor of the said Territory, issued in his official capacity to applicant a special permit for the sale in said Juneau of intoxicating liquors for medicinal, mechanical, and scientific purposes for the period of one year then next ensuing; that after obtaining said permit, applicant, in connection with his business as a druggist, conducted the sale of liquors at said Juneau in full and strict compliance with the terms of said Executive order up to the 23d day of April, 1894, when said special permit was suspended by Hon. James Sheakley, then governor of said Territory, by a letter received by applicant on that day, of which a copy is hereto annexed, marked Exhibit A; that the term of said special permit expired on the 15th day of May, 1894, but it never at any time had been revoked; but thereafter, on or about the 9th day of August, 1894, applicant made and forwarded said Governor Sheakley, at Sitka, an application in writing for the issuance to him of a new special permit in accordance with said Executive order, and accompanied said application with the requisite bond and proper affidavit, described by said Executive order; that thereafter, on the 22d day of August, 1894, applicant received from said Governor Sheakley an official letter, of which a copy is annexed, marked Exhibit B.

Applicant further shows that the following are the facts that led to the suspension of his special permit: One John F. Gray, for many years a resident of said Juneau, where he had conducted a brewery until the 1st day of July, 1893, when the internal-revenue department refused to issue to him any further stamps or to receive his special tax as a brewer, made complaint in writing to the authorities in Washington, D. C., that parties in Juneau holding special permits for the sale of intoxicating liquors had been guilty of gross and frequent violations of the provisions of said Executive order, and had on many occasions supplied saloon keepers in Juneau with large quantities of intoxicating liquor to be sold by them at retail over their bars.

This communication having been referred to Governor Sheakley, he proceeded to hold an investigation of said charges in said Juneau, in the month of April, 1893. At said investigation the only testimony produced in support of said charges was that of four saloon keepers who had for a long time previous thereto been openly and notoriously engaged in the sale of intoxicating liquors as a beverage in said Juneau, without having paid the special tax required of them as retail liquor dealers, the internal-revenue department having long prior thereto refused to receive said special tax from them and without having a special permit from the governor for sale of liquor.

At said hearing, three parties, including your applicant, who were the holders of such special permits, appeared, and while denying the truth of said charges and the correctness of said testimony, declined to make any further defense, and applicant most positively asserts that so far as he is or was concerned he has never been guilty of any violation whatever of the provisions of said Executive order, nor has he ever believed that said provisions or any of them were ever knowingly or intentionally violated by any agent or servant of his, or by any person in his employ. And applicant further shows that the said special permit so issued to him was not suspended by the governor, for the reason that the best interests of the inhabitants of the Territory required it, but only for the reasons hereinbefore stated; that at the time of such suspension there were but two other persons having special permits to sell intoxicating liquors in the town of Juneau, and these permits were at the same time suspended, and since said suspension but one person has held such special permit, and he is now engaged in the sale of liquors thereunder; that applicant believes

# 14 INTOXICATING LIQUORS IN THE DISTRICT OF ALASKA.

that it would be for the best interests of the citizens of Juneau if a permit were issued to him, inasmuch as the licensed sale of intoxicating liquors of good quality for lawful purposes would tend in a great measure to check the smuggling into the town, of cheap and deleterious spirits of Canadian manufacture, and their open sale at retail to Indians and whites for purposes not only unwarranted but forbidden by law.

That the issuance of such permit would create such competition as to remove and prevent any accusations of monopoly of the business.

That in the carrying on of his drug business, involving the preparation of tinctures, fluid extracts, and other forms of medicine, etc., it is necessary for him to use large quantities of distilled spirits, of the purest kind, and it would be greatly to the advantage of his customers, as well as to himself, if he were permitted to purchase the same at reasonable prices of original dealers outside of the Territory rather than to be compelled to purchase them in Juneau, at exorbitant prices, of its only licensed dealer.

That while applicant has been advised that, except in case of revocation of a special permit, the approval of the Secretary of the Interior is not a requisite for the issuance of such special permit by the governor of Alaska, yet, yielding to and in compliance with the suggestion of the governor, contained in said letter, marked Exhibit B, he respectfully solicits an approval of such issuance, and that the governor be notified thereof at an early day.

Respectfully,

WM. NELSON.

The Hon. SECRETARY OF THE INTERIOR,  
*Washington, D. C.*

## EXHIBIT A.

EXECUTIVE OFFICE,  
*Sitka, Alaska, April 20, 1894.*

SIR: By authority of an Executive order, dated Washington, D. C., March 12, 1892, concerning the sale of intoxicating liquors in the Territory of Alaska, you were granted a permit, dated May 15, 1893, allowing you to sell intoxicating liquors in the city of Juneau, Alaska, for medicinal, mechanical, and scientific purposes.

Now, it appearing that you, having failed to comply with the conditions and stipulations of the said Executive order, it becomes my duty to suspend said permit, and by virtue of above-mentioned Executive order I do hereby suspend, for an indefinite period, the said permit which was granted to you dated May 15, 1893, to sell intoxicating liquors for medicinal, mechanical, and scientific purposes in the city of Juneau, Alaska, said suspension to date from the service of this notice.

JAMES SHEAKLEY,  
*Governor of Alaska.*

WILLIAM NELSON, *Juneau City, Alaska.*

Attest:

CHARLES D. ROGERS,  
*Clerk of United States District Court.*

## EXHIBIT B.

EXECUTIVE OFFICE,  
*Sitka, Alaska, August 17, 1894.*

DEAR SIR: When I came to examine the Executive order concerning the sale of intoxicating liquors in Alaska I was in doubt as to my authority to renew your license without the approval of the Secretary of the Interior.

I submitted the question to the district attorney, and he is clearly of the opinion that I have not the right to do so. Now, to send your application to Washington would require two months' time, and with no certainty of having it approved.

I inclose you a circular by which you can judge of the matter yourself. I regret this very much, and allow me to thank you for your kindness and consideration for myself in regard to this difficult question.

Yours, truly,

JAMES SHEAKLEY.

WILLIAM NELSON, Esq.

DEPARTMENT OF THE INTERIOR,  
Washington, November 14, 1894.

SIR: In compliance with your recommendation of the 18th ultimo, authority is hereby granted you to issue to William Nelson, of Juneau, Alaska, a special permit for the sale in said Juneau of intoxicating liquors for medicinal, mechanical, and scientific purposes for such period as you may deem proper.

Very respectfully,

WM. H. SIMS,  
Acting Secretary.

The GOVERNOR OF ALASKA,  
Sitka, Alaska.

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DEPARTMENT OF THE INTERIOR,  
Washington, D. C., January 23, 1894.

SIR: Acknowledging the receipt of your letter of the 22d instant, with accompanying inclosures, in relation to the supplying by druggists in the District of Alaska of intoxicating liquors to saloons where it is claimed such liquors are openly retailed, and suggesting that the attention of the governor and district attorney for Alaska be called thereto, I have the honor to state that the matter has been forwarded to the governor for investigation of the charges, and upon the receipt of his reply your office will be promptly advised.

In this connection it is suggested that the attention of the United States attorney for Alaska should be directed to the alleged violation of law through the Department of Justice.

Very respectfully,

HOKE SMITH, Secretary.

The SECRETARY OF THE TREASURY.

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TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., March 30, 1894.

SIR: Referring to your letter of the 23d of January last, in relation to the supplying by druggists in the District of Alaska of intoxicating liquors to saloons, wherein it was suggested that the subject be called to the attention of the United States attorney for Alaska, I have the honor to herewith transmit for your information copy of a letter, dated the 27th instant, and of the inclosure therein referred to, from the honorable the Attorney-General further in relation to the subject.

Respectfully, yours,

W. E. CURTIS, Acting Secretary.

The SECRETARY OF THE INTERIOR.

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DEPARTMENT OF JUSTICE,  
Washington, D. C., March 27, 1894.

SIR: Referring to your communication of January 29, inclosing a letter from John F. Gray, of Juneau, Alaska, relative to the alleged sale of liquor to saloons by druggists in Alaska, I beg to state that the attention of the United States attorney for Alaska was called to the subject, and his report is just received. A copy is herewith transmitted for your information.

Very respectfully,

RICHARD OLNEY, Attorney-General.

The SECRETARY OF THE TREASURY.

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DISTRICT OF ALASKA,  
UNITED STATES ATTORNEY'S OFFICE,  
Sitka, Alaska, March 7, 1894.

SIR: Replying to yours February 2, "F. S. 3600, 1885," with inclosures of John Gray, of Juneau, charging that druggists are selling liquor to saloon men, etc., I beg to report that each month these druggists file with the governor a sworn statement of the sales of liquors, giving names of purchasers, kind and quantity of liquor, etc., as required by law.

A careful examination of these returns does not sustain Mr. Gray's charge.



It is impossible for me at this distance to ascertain whether sales have been made, no return of which appears on the files in the governor's office. If thought advisable, I will forward your letter to the assistant United States attorney at Juneau, with instructions to further investigate the matter.

I can hardly think the charge true, believing as I do that the druggists can find a ready market for all the liquors allowed them without selling to saloon men.

It is no doubt true that some of the men who buy, upon a doctor's prescription, liquors from licensed dealers do not use the same medicinally. This, however, is the fault of the law and not of the dealer, and while the liquor may not be used medicinally, I do not believe it is resold. It would not be a profitable business.

Gray is correct in his charge, that more liquor is sold than is needed to keep the people in good health. He himself bought one gallon at one time, which is more, in my judgment, than was needed to aid his digestion; and he is not a man who would sell the whisky he bought. He is an honest German, a good citizen, who lost his property by the closing of his brewery, and now complains that others are allowed to handle intoxicants.

My successor having been appointed, it may not be improper to add at this time that more than four years' service in Alaska as United States attorney has convinced me that the present laws relating to the sale of intoxicating liquors in Alaska are and always will be failures. Nothing but a license law can be enforced, and that I believe can be. It is expecting impossibilities of the officers to hope that they can even comparatively enforce the present laws. With 100 active, honest deputy collectors, and the service of every revenue cutter in the United States, whisky could and would be smuggled into and manufactured in Alaska in large quantities. The only remedy is a law which will have the approval and support of the citizens, and the license law will meet such approval.

Very truly, yours,

C. S. JOHNSON, *United States Attorney.*

The ATTORNEY-GENERAL,  
Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., January 23, 1894.

SIR: I inclose herewith, for your information and such action as to you may seem proper, communications dated, respectively, the 17th of November and the 15th of December last, from Messrs. Marcus J. Cohen and Hugh S. Wyman, in relation to the establishment of breweries in Juneau and Sitka, Alaska. I also inclose copy of an opinion, dated the 28th ultimo, of the Solicitor of this Department, to whom Mr. Cohen's letter was submitted, wherein he states that, assuming it is the intention to manufacture beer for medicinal purposes, there would seem to be no objection under existing law to the establishment of a brewery as proposed.

Respectfully, yours,

W. E. CURTIS, *Acting Secretary.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF INTERIOR, March 5, 1894.

Respectfully referred to the governor of Alaska for consideration and expression of his views upon the question presented in the accompanying papers.

WM. H. SIMS, *Acting Secretary.*

DEPARTMENT OF JUSTICE,  
OFFICE OF THE SOLICITOR OF THE TREASURY,  
Washington, D. C., December 28, 1893.

SIR: Under date of the 27th instant Assistant Secretary Hamlin incloses a letter from Mr. Marcus J. Cohen, who desires to conduct a brewery business in Juneau, Alaska.

Mr. Cohen says that he does not desire a permit for other purposes than the law prescribes.

My attention is invited to section 14 of the act approved May 17, 1884, for the establishment of a civil government for Alaska.

That section provides, among other things, that the—

\* \* \* "importation, manufacture, and sale of intoxicating liquors in said district, except for medicinal, mechanical, and scientific purposes, is hereby prohibited under the penalties which are provided by section 1955 of the Revised Statutes for the wrongful importation of distilled spirits." \* \* \*

How far the assurances of Mr. Cohen can be relied on I have no means of knowing; but assuming that he proposes in good faith to conduct his business as the law prescribes or permits, I can see no objection to granting his request.

The letter is herewith returned.

Very respectfully,

F. A. REEVE, *Solicitor.*

The SECRETARY OF THE TREASURY.

OLYMPIA, WASH., December 15, 1893.

SIR: I have the honor to herewith respectfully request of you permission and authority to take steps to reopen the brewery of the late Mr. A. Cohen, at Sitka, Alaska, which is now closed pending some order of the Interior Department relative to the sale and manufacture of intoxicants in the District of Alaska; said brewery is for the manufacture of beer only, and will be conducted in strict accordance with rules and regulations governing such business. A favorable consideration of the subject-matter of this letter can be communicated to the Hon. Mr. Sheakley, present governor of Alaska, who is familiar with the history and operation of said brewery at Sitka, and whom, I presume, would indorse the policy of permitting that particular brewery to operate in Sitka, as it has for many years done.

Awaiting an early reply, I remain, very truly, yours,

HUGH S. WYMAN.

HON. SECRETARY OF THE INTERIOR,  
*Washington, D. C.*

DISTRICT OF ALASKA, EXECUTIVE OFFICE,  
*Sitka, Alaska, April 16, 1894.*

SIR: Please find herewith inclosed letters of Hugh L. Wyman, M. D., Marcus Cohen, Hon. F. A. Reeve, Solicitor of the Treasury, and the Hon. W. E. Curtis, Acting Secretary of the Treasury, all of which were referred to the governor of Alaska for consideration and expression of views upon the questions presented in the said letters.

I have the honor to say that, in my opinion, it would not be possible for anyone to operate a brewery in Alaska for the manufacture of beer, and keep within the law and regulations made by the President, as promulgated in Treasury Circular No. 34, dated at Washington, March 12, 1892, and I know of no way for the proprietors of breweries to obtain relief except by act of Congress.

The governor of Alaska has but limited discretionary power, and can do nothing in the matter but to execute the law as he finds it, and in the light of recent experience he would not feel warranted in granting a permit to anyone to operate or open a brewery in Alaska.

Respectfully, yours,

JAMES SHEAKLEY,  
*Governor of Alaska.*

The SECRETARY OF THE INTERIOR,  
*Washington, D. C.*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
*Washington D. C., November 19, 1894.*

SIR: Referring to my letter to you of the 23d of January last, with which were inclosed communications from Messrs. Marcus J. Cohen and Hugh S. Wyman in relation to the establishment of breweries in Juneau and Sitka, Alaska, I have the honor herewith to inclose for your further information, and such action as to you may seem proper, copy of letter, dated the 27th of August last, from the United States attorney at Sitka, and of the communications inclosed therein, all of which relate to the manufacture of beer in the Territory of Alaska.

Respectfully, yours,

C. S. HAMLIN, *Acting Secretary.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF INTERIOR, November 28, 1894.

Respectfully referred to the governor of the District of Alaska for his consideration and such action as may be deemed proper

WM. H. SIMS, *Acting Secretary.*

DISTRICT OF ALASKA,  
UNITED STATES DISTRICT ATTORNEY'S OFFICE,  
*Sitka, Alaska, August 27, 1894.*

SIR: Inclosed is a copy of a letter from the Commissioner of Internal Revenue in reference to manufacturing beer in Alaska.

Two persons have complied with the law in all respects at Sitka, or are ready to do so, and the governor has declined to permit either to operate. One of the persons is Miss Cohen, the postmaster. I have advised her to have nothing to do with the matter, but she insists, and perhaps knows her business best. The governor's licensed dealer in liquor at Juneau for July reports the sale of 42 gallons of whisky and 20 gallons of brandy. If this is legal I do not see how it is indiscreet to manufacture beer, nor to permit its manufacture "for medicinal, mechanical, and scientific purposes."

To comply with Miss Cohen's request I forward you this, having explained to her the obstacle was the governor's discretion, a matter difficult to review.

Most respectfully,

LYTTON TAYLOR, *United States Attorney.*

Hon. C. S. HAMLIN, *Washington, D. C.*

PORTLAND, OREG., *August 8, 1894.*

DEAR MADAM: Brother Lewis called on me yesterday in reference to your application for a license, also order for malt and hops, etc. Upon seeing the internal-revenue collector in regard to your case, he told me that just as soon as he received the brewer's bond from you the license would be issued. The carrying on of the brewery depended entirely on the rules and regulations of Alaska (that you must know, for I don't).

The goods shall be shipped so as to be in time for the steamer leaving Tacoma on the 11th instant.

Very truly, yours,

H. WEINHARD.

Miss PAULINA COHEN, *Sitka, Alaska.*

INTERNAL-REVENUE SERVICE,  
DISTRICT OF OREGON, COLLECTOR'S OFFICE,  
*Portland, Oreg., August 3, 1894.*

PAULINA COHEN,

*Dist. of estate of A. Cohen, deceased, Sitka:*

In response to your application for brewers' license, you are informed that if a satisfactory bond and notice is executed and returned by you on the inclosed blanks, brewers' license will be issued and stamps furnished as desired, but you must distinctly understand that the execution of said papers and the issuance of such license will not apply as a protection to you in case you should violate the regulation laws of Alaska. Execute bonds in the sum of \$500. Be sure to have the papers carefully executed, so as to save delay in returning the same for correction.

Very respectfully,

HENRY BLACKMAN, *Collector.*

TREASURY DEPARTMENT,  
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,  
*Washington, D. C., July 23, 1894.*

SIR: Your letter of the 18th instant has been received, referring to this office, at the request of R. Witz, of Sitka, Alaska, the question of his right to pay special tax and receive a stamp as a brewer in that Territory, his application for the stamp having been denied by you.

As there are purposes for which beer may be manufactured and sold in Alaska, to wit, "Medicinal, mechanical, and scientific purposes," it may be presumed that he intends to manufacture and sell beer for these purposes only, and that on his giving a good and sufficient bond as a brewer, you may receive from him the special tax and issue to him the requisite stamp.

You will, however, give him warning in advance that neither compliance with the internal-revenue laws nor possession of the special-tax stamp can give him any right to carry on his business of brewing and selling beer in violation of the act organiz-

ing the Territory of Alaska, or afford him any protection whatever from prosecution and conviction for such a violation of law. Whether he at any time manufactures or sells beer for any other purposes than those authorized by the act of May 17, 1884, (23 Stat. L.), or without having complied with the Executive order of March 12, 1892 (38 Internal Revenue Record, 87), will be a question for those whose duty it is to enforce the provisions of section 14 of that act. The internal-revenue laws do not interfere therewith in anyway. (License Tax Cases, 5 Wall., 462.)

You will please send a copy of this letter to Lytton Taylor, esq., United States attorney, at Sitka, Alaska.

Respectfully, yours,

G. W. WILSON,  
*Acting Commissioner.*

HENRY BLACKMAN, Esq.,  
*Collector Internal Revenue, Portland, Oreg.*

The foregoing was read to me by the United States district attorney, at Sitka, Alaska, and also read to me in French by Sergeant La Forret, of the United States Army, and I understand the same and agree to comply with the laws of the United States.

ROBERT WITZ.

SITKA, August 13, 1894.

DISTRICT OF ALASKA, EXECUTIVE OFFICE,  
*Sitka, April 8, 1895.*

SIR: On my return to Sitka I found your communication of November 28, 1894, and accompanying papers awaiting me. The executive order concerning the sale of intoxicating liquors in the Territory of Alaska for medicinal, mechanical, and scientific purposes, as set forth in Circular No. 34, dated Washington, D. C., March 12, 1892, is of such a restrictive character as to render its operation almost impracticable.

To license a brewery to manufacture beer for medical purposes in the village of Sitka, a town of less than four hundred people, where the beer can only be sold on prescription of a regularly practicing physician, would be absurd. So impracticable is it to dispense intoxicating liquors under these rules and regulations without their infringement that I have deemed it wise not to issue any more permits and to cancel those in existence.

Accordingly, I had the only one at Juneau returned to me on the 12th day of December, 1894. The permit at Sitka is the only one now in operation in this Territory.

Very respectfully, yours,

JAMES SHEAKLEY,  
*Governor of Alaska.*

THE SECRETARY OF THE INTERIOR,  
*Washington, D. C.*

JUNEAU, ALASKA, November 17, 1893.

SIR: I desire to respectfully call your attention to the status of the liquor question in Alaska, in hopes that some instructions may be given to the governor to enable him to act in the matter without involving him in trouble and yet comply with the law. I am the owner of a brewery in Juneau, Alaska, and have a considerable amount of capital invested in it; but under the present regulations of the Department I can not carry on the business without a permit from the governor to sell in a manner prescribed by law. This permit the governor hesitates to give, as he is not clear what the wishes of the Department are in regard to the matter. If the permit of the governor is obtained, a license then is issued by the proper authorities and the business then can be carried on as the law prescribes. I do not wish a permit for other purposes than the law prescribes, and do not wish to make sales other than prescribed by law. It would be matter of the greatest importance to us if the Department would give us some information that would definitely settle the matter.

Trusting for a reply, I have the honor to remain, respectfully,

MARCUS J. COHEN.

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, December 7, 1893.

Respectfully forwarded to the Honorable Secretary of the Treasury for his consideration.

JNO. M. REYNOLDS,  
*Acting Secretary.*

DEPARTMENT OF THE INTERIOR,  
Washington, May 3, 1894.

SIR: Your letter has been received, in which you call attention to the fact that you are the owner of a brewery at Juneau, Alaska, in which you have invested considerable capital, and requesting that the governor of the Territory be authorized to grant you a permit to do business and to sell manufactured product in the manner prescribed by law.

In response thereto I have to state that the governor of the District of Alaska, to whom the matter was referred for report, has expressed the opinion that it would be impossible to operate a brewery in Alaska for the manufacture of beer and keep within the law and regulations made by the President and promulgated in Treasury Circular No. 24, dated March 12, 1892, and that he is not aware of any way in which the proprietors of breweries in Alaska can obtain relief except through Congress, in which conclusion I concur.

Very respectfully,

WM. H. SIMS, *Acting Secretary.*

Mr. MARCUS J. COHEN,  
Juneau, Alaska.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., January 22, 1894.

SIR: I have the honor to transmit herewith for your information, and with the suggestion that the attention of the governor and the district attorney for the Territory of Alaska be called thereto, copy of a letter, dated the 23d ultimo, and of its inclosure, from Mr. John F. Gray, of Juneau, Alaska, wherein it is claimed that druggists in the Territory are supplying intoxicating liquors to saloons, where such liquors are openly retailed.

Respectfully, yours,

W. E. CURTIS,  
*Acting Secretary.*

The SECRETARY OF THE INTERIOR.

*A true copy, taken from the mail steamer City of Topeka's manifest, of liquors and beer shipped to Juneau, Alaska, for medicinal use.*

Date.	Name.	Date.	Name.	Date.	Name.
1893. Oct. 26	J. C. Koosher: 1 bbl. whiskey. 2 bbls. beer. 1 bbl. ale. 1 bbl. porter. 1 bbl. claret. 20 galls. brandy. 10 galls. rum. 10 galls. alcohol. 10 galls. port. 10 galls. sherry. 2 c. gin. 1 bbl. whiskey. 1 bbl. claret. 3 c. whiskey. 20 galls. brandy. 6 bbls. beer. 3 c. ale. 3 c. porter. 2 c. champagne. 1 c. alcohol.	1893. Dec. 21	W. Mulcahey—Con'd: 10 galls. rum. 1 c. alcohol. 20 galls. whiskey. 20 galls. wine. 10 galls. whiskey. 10 galls. gin. 10 galls. rum. 2 bbls. beer. Wm. Nelson: 10 bbls. beer. 5 bbls. ale. 5 bbls. porter. 1 bbl. whiskey. 1 bbl. claret. 1½ bbls. porter. ½ bbl. brandy. 20 galls. whiskey. 2 c. champagne. 1 bbl. whiskey. 2 c. ale. 3 c. porter. 1 c. whiskey. 1 c. brandy. 5 bbls. beer. ½ bbl. claret. 10 galls. wine. 10 galls. gin.	1893. Dec. 21	Wm. Nelson—Con'd: 10 galls. rum. 1 bbl. whiskey. 6 bbls. beer. ½ bbl. brandy. 10 galls. wine. 3 c. porter. C. E. Coon: 20 galls. whiskey. 10 galls. brandy. 20 galls. whiskey. 5 bbls. beer. 1 bbl. claret. 1 c. ale. 1 c. stout. 1 c. porter. 1 c. brandy. 2 c. porter. 1 c. brandy. 1 c. champagne. 40 galls. whiskey. 20 galls. wine. 10 galls. brandy. 10 galls. gin. 1 bbl. claret. 5 bbls. beer.
Dec. 3	10 galls. port. 10 galls. sherry. 2 c. gin. 1 bbl. whiskey. 1 bbl. claret. 3 c. whiskey. 20 galls. brandy. 6 bbls. beer. 3 c. ale. 3 c. porter. 2 c. champagne. 1 c. alcohol.	Nov. 18		Oct. 26	
Nov. 18	Wm. Mulcahey: 1 bbl. whiskey. 1 bbl. port. 1 bbl. porter. 5 bbls. beer. 10 galls. whiskey. 10 galls. brandy.	Dec. 3		Dec. 21	

I think this will satisfy you that the matter will stand investigation. I have proof of everything written to you.

Respectfully,

JOHN. F. GRAY.

JUNEAU, ALASKA, December 23, 1893.

DEAR SIR: Last April I addressed a letter to the Secretary of the Treasury stating to him in detail the situation in which I was placed as a manufacturer of beer in this place. He referred me to Governor Lyman E. Knapp, then governor of Alaska. I made application to him for a permit to continue my business, as the internal-revenue collector at Portland, Oreg., under whose jurisdiction Alaska is, informed me he had no authority to issue licenses to anyone in Alaska to manufacture or sell malt or spirituous liquors after the 1st day of July, 1893. Governor Knapp would only grant me a permit to manufacture for medicinal use; that I could not accept of without perjuring myself. I closed my place of business on the 1st of July last and have not been permitted to open as yet.

My plant is so situated it is worth nothing for any other business. I conformed to the internal-revenue laws and paid my stamp tax for over five years, but don't think I am receiving justice from the Government as an American citizen, which the following will show: At present there are four licensed drug stores in this place, population about 600; the climate is healthy; four-fifths are in good health, and the balance are not invalids by any means. They are allowed through the present governor and collector of customs to ship beer and other liquors for medicinal use, but it is a noted fact that the drug stores are supplying saloons with beer and whisky to retail across the bar by the drink. Inclosed please note the shipments since October 26, 1893, a true copy from the steamer *City of Topeka's* manifest, which is about an average since last July.

I respectfully suggest that a man be sent here, not a resident of Alaska, to see the situation.

Yours, respectfully,

JOHN F. GRAY.

Hon. CHAS. S. HAMLIN,

*First Assistant Secretary of the Treasury, Washington, D. C.*


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DISTRICT OF ALASKA, EXECUTIVE OFFICE,  
*Sitka, April 17, 1894.*

SIR: As requested, I herewith return the letter of Mr. John F. Gray, of Juneau City, Alaska, and the communication of Hon. W. E. Curtis, Acting Secretary of the Treasury, also copy of S. S. *City of Topeka's* manifest of liquors shipped to Juneau City, Alaska, to be sold for medical, mechanical, and scientific purposes, the subject-matter of which was referred to the governor of Alaska for investigation and report.

I have the honor to report that I visited the city of Juneau, Alaska, on the 27th day of March, 1894, and made a thorough investigation of the charges and allegations made by John F. Gray against the druggists of that place in his letter of December 23, 1893, to the Honorable Secretary of the Treasury.

Upon my arrival in Juneau, Alaska, I requested the deputy United States marshal to immediately notify Mr. John F. Gray, the complainant, and also the druggists against whom the complaint had been made, to appear at the court-house in the city of Juneau, at 2 o'clock p. m., same day.

At the appointed hour and place John F. Gray, complainant, and the following druggists, holding permits to sell intoxicating liquors for medical, mechanical, and scientific purposes, appeared: William Nelson, Dr. J. C. Koosher, and William Mulchahey, comprising all the druggists who hold such permits in the city of Juneau, that of C. E. Coon having expired in November, 1893.

I presided at the investigation, which was conducted openly, all parties in interest and many others being present. I stated the cause, read the complaint, and examined the witnesses.

The charges of John F. Gray against the druggists of Juneau City were fully sustained by direct evidence. Four witnesses, Frank Howard, George Miller, Silas Gibson, and Frank M. Berry, testified under oath that they had bought at sundry times as much as five gallons at one time, which was taken to a saloon and sold at retail, by the drink.

Silas Gibson testified that he keeps a barroom, and that he bought 5 gallons of whisky of William Nelson, the druggist, and sold it by the drink. Frank Berry testified that he bought within this year 10 gallons of whisky at one time from J. C. Koosher, the druggist, and sold it. George F. Miller testified that he keeps a hotel and a bar, and that he bought whisky this winter from both Mulchahey and Koosher several times; generally bought half a gallon at a time; always sent a man to get it, but paid for it himself, and sold it over his bar; Mulchahey knew he kept a bar.

The defendants were requested to cross-examine the witnesses, but did not do so, and had nothing to offer in defense, but claim it a conspiracy to deprive them of their permits to sell liquors.

I believe that the druggists have willfully and knowingly violated the Executive order regulating the sale of intoxicating liquors in the Territory of Alaska, for medicinal, mechanical, and scientific purposes.

Therefore I deem it my duty to suspend the permits of all the aforesaid druggists in the city of Juneau, and I have accordingly formally suspended the permits of William Nelson, William Mulchahey, and Dr. J. C. Koosher, for an indefinite period.

Respectfully, yours,

JAMES SHEAKLEY,  
*Governor of Alaska.*

The SECRETARY OF THE INTERIOR,  
*Washington, D. C.*

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[Extract from report of the governor of Alaska for fiscal year ended June 30, 1890.]

The greatest hindrances to the prompt and efficient administration of justice in this district are the lack of transportation facilities, the great distances, want of means for communication, and the difficulty of securing competent and reliable juries. If a moderate-sized steam vessel were furnished the civil government for its use in the discharge of the duties and work of the several departments under its control, these difficulties would, in part at least, disappear. It seems unnecessary to repeat what I said in my report for 1889, but the experiences of the last year have served to confirm and strengthen the opinion then expressed that provision for transportation, not now readily available, is absolutely essential to the proper administration of the government and effective enforcement of the laws.

The law prohibiting the sale and manufacture of intoxicating liquors in the Territory is a dead letter, except in its application to the Indians. Liquors of the vilest quality, it is asserted, are sold openly and in violation of the law, even to those whose families are suffering for the necessities of life. The reason assigned for the inefficiency of the law is that prosecutions would be of no avail. Grand juries refuse to indict, and petit juries refuse to convict. I presume this statement is made intelligently and is in accordance with the facts, though I am not aware of any attempt to secure convictions. A number of complaints to the grand jury at the January term, for smuggling liquor, resisting an officer, etc., were treated by that body in a way to induce the belief that they were not in sympathy with restriction laws.

Last January many of the best citizens of Juneau, apparently influenced by a desire to regulate and restrict the sale of intoxicating liquors, which they believed could not be entirely prevented, held consultation together and with the officers of the civil government, and undertook to devise a partial remedy of the evils of indiscriminate sale. It was finally proposed that the governor grant licenses for sales according to law to such persons as should deposit the sum of \$250 for expenditure, under the direction of road commissioners, upon the streets and sidewalks of the city or town where the vendor resides, the applicant to also give bonds that he would keep an orderly house and would not sell to Indians, or minors under the age of 18 years, the license to be revoked in case of failure to fulfill these conditions, or for other cause. The only protection expected was in the support of public sentiment and the influence it might have upon juries and officers of the law. No license has yet been granted and no application made for one. Legislation which would provide more effective machinery for the enforcement of the present law, or the substitution of something more practical in the place of it, would undoubtedly afford a more satisfactory solution of the perplexing question.

[Extract from report of the governor of Alaska for fiscal year ended June 30, 1891.]

Of the criminal business a large proportion was either directly connected with the sale and importation of intoxicating liquor or grew out of its use, directly or indirectly. The unfortunate conditions of nonenforcement of the laws on these subjects reported last year are still continued, and the results of efforts to enforce them are no less unfortunate. In order to bring the information in its details before the executive and legislative departments of the Government I addressed a letter of inquiry to the United States district attorney asking a report of matters connected with the business of his office during the year ending June 30, 1891, especially, among other inquiries, asking what steps had been taken to enforce the law against the sale of intoxicating liquors within the Territory and what is the present status of things in relation to its violation within the district. His reply is appended hereto as Appendix B.

The laws of the Territory seem to impose duties, in relation to the different phases of the liquor business, upon three or more different officers. First, the collector of customs is required to use his utmost endeavors to prevent its importation into the

Territory. None is allowed to be landed except with a permit from him, and in the exercise of his discretion in giving such permits he is accountable only to the executive department of the National Government; and I have no information or means of knowing to what extent or how wisely such discretion has been exercised. Secondly, the governor is required, in the exercise of a sound discretion, to issue licenses for the manufacture and sale of intoxicating liquors for the uses allowed by law to such persons as he deems it wise and necessary. Up to the time of writing the last annual report the present incumbent had issued no license, because no application had conformed to the requirements made, and it was so stated in the report. During the past year five licenses to sell for the uses allowed by law were issued, three to parties residing in Juneau and two to parties residing in Wrangel. Two of these licenses have expired by the original limitations and three are still in force. Thirdly, it is the duty of the courts to impose the penalties authorized by law upon all offenders. The United States district attorney as public prosecutor has duties in the way of initiating proceedings for the enforcement of the law against selling, manufacturing, and importing intoxicating liquors without authority, and as to his action his report is the best exposition. If private citizens who take upon themselves the responsibility of forwarding complaints of official delinquencies and of making criticising statements for the public press would remember their obligations as citizens to conform to the laws and assist in their enforcement there would be less occasion for deprecating the failure of justice in the Territory.

The importance of better transportation facilities for the administration of the government and the enforcement of the laws has been freshly illustrated by the experiences of the past year. In a number of instances persons charged with crime have not been arrested for want of facilities for travel and transportation for officers, defendants, and witnesses. In other cases greater expense has been incurred than would have been necessary if a vessel had been provided for the use of the Territorial administration. At every regular term of the court the expense of transporting court officers, jurors, and Government witnesses to and from the place of holding the session is no unimportant item, but for some unexplained reason the last Congress declined to intrust the Territorial government with a vessel for transportation purposes, and the only relief now suggesting itself is the detail of a revenue cutter for use in Alaska, to combine the service of the customs department with that of transportation, for general purposes in the administration of the Territorial government. A naval vessel stationed in these waters does not meet all the requirements of the situation. War ships are scarcely adapted to transportation business because their space is too much taken up in supplying accommodations for their regular crews, and their business is war, not transportation. The want of flexibility in the naval services does not in any way militate against its usefulness for its legitimate work, but it does operate to prevent the best results when other work than that in its line is required. The revenue marine is in the civil service. It is organized for the purpose of assisting the civil government, and the need of additional facilities for enforcing the revenue laws in Alaska is most pressing. The temptation for unprincipled men to engage in smuggling intoxicating liquor and opium into this Territory is very great; and yet the collector of customs, upon whom is laid the duty of preventing it, has been furnished with only a single rowboat with which to patrol and guard 3,000 miles of coast line. He has also other duties which require traveling facilities. It is made his duty to enforce the law against the barricading of streams to prevent salmon from ascending to their spawning grounds. These streams are innumerable and remote from lines of commercial traveling and out of the way of ordinary communication. This whole Territory is innocent of carriages and railroads, and the only means of travel are found in our intricate system of waterways. How, then, with his present facilities, can he be expected to perform the responsible duties of his office?

The organic act of May 17, 1884, provided for only four commissioners to perform the judicial functions of petty courts and courts of probate for the whole of this vast territory, with its 33,000 people, located in more than 200 towns and villages, scattered all over this vast domain. They are by law so strictly located that even a temporary removal from their fixed habitation, without a special authorization from Washington, is liable to be construed into a breach of duty. During the seven years since the passage of this act the utter inadequacy of this provision for the protection of the people and their interests has been repeatedly reported and urgent appeals have been made for relief. So important has it seemed for the preservation of the public peace that there should be some authority to enforce it in places remote from the residences of the commissioners that Congress has been requested to legalize the appointment of justices of the peace without compensation. But never a word or syllable, not even of inquiry into the necessity for legislation, has been heard in the halls of the National Legislature. A well-known rule in physics needs but a slight modification to illustrate. In the apparent estimation of the legislative mind the lives and property rights of human beings are held of importance in the adverse ratio of the square of the distance.



It is conceded that an attempt to cover the whole district with jurisdictions of local petty courts by a single enactment would be folly, but as the country develops, and the native population becomes educated up to the idea of submitting to legal process and judicial decision, additional tribunals should be furnished. At the present time there is a crying need of at least three commissioners in addition to those already authorized, and more are desirable. Kadiak, Unga, and St. Michaels are central points about which are grouped business enterprises which employ large numbers of men, and from which supplies are distributed to miners, fishermen, hunters, traders, and the native people of wide sections of the country. Many other places, like Chilkat, Klawak, Howkan, Yakutat, Nutchek, Kenai, Carmel, Bethel, Point Hope, and Anvik, ought at least to have legally constituted justices, constables, and lockups.

In response to my request Judge Bugbee, of the United States district court, has made some very valuable suggestions upon the legal complications of our present law and procedure, and of remedial legislation needed, which I have attached hereto as Appendix C. The district attorney's letter, Appendix B, heretofore referred to, also gives a carefully digested résumé of these matters, both of which ought to receive candid consideration. The importance of modifying the methods of drawing juries, of changing the requirements as to legal qualifications, of reducing the number requisite to constitute a legal grand jury can not be overestimated.

#### APPENDIX B.

SIR: It is impossible to fully give you my views on the various questions referred to in your letter, hereto annexed, without making my communication inconveniently long.

Your special anxiety to learn what steps have been taken to enforce the law against the sale of intoxicating liquors within the Territory of Alaska is but natural.

The violations of the liquor laws have been a source of more anxiety and labor to all the officials in Alaska than any, I may safely say than all, other violations of law combined.

I find public sentiment almost a unit against the present prohibitory laws and against the enforcement of the same.

When I entered upon the discharge of my duties in Alaska I found the opinion and practice prevailed that United States commissioners had no jurisdiction to try offenders for any violation of the liquor laws. The defendant, if probable cause were shown, was held for trial in the United States district court. This practice resulted in burdening the district court with a large number of petty cases, the expense of each prosecution was enhanced tenfold, and, worse than all, the cases being tried to a jury, very many of the defendants were acquitted.

After a careful examination of the laws of the State of Oregon and of the revised statutes conferring jurisdiction upon our commissioners, I advised them in all minor cases, such as selling liquor to Indians, to try, and if found guilty, sentence the offenders as provided by law, and this practice has prevailed for more than a year. These cases being generally tried to the court, without the intervention of a jury, convictions are more certain and less expensive.

There is a grave doubt as to just what jurisdiction our commissioners have. This should be set at rest by legal enactment and their jurisdiction should be materially extended.

There now are, and for many years have been, within the Territory two or three breweries manufacturing and selling beer for other purposes than those prescribed by the statutes. There are also many persons openly engaged in selling intoxicating liquors contrary to law. These facts I have laid before each grand jury, advising them that it was their sworn duty to indict all such persons. Yet in every instance they not only have refused to indict, but have refused to hear any testimony upon the subject whatever. Some of these grand juries have been composed of the best representative citizens of the Territory, yet the sentiment is so universally against the enforcement of the present liquor laws that no indictment can be had and no conviction secured except where the liquor has been sold or given to a native. In the latter cases the sentiment of all the better classes of citizens is in favor of a rigid enforcement of the law. The consequent result is that comparatively little intoxicating liquor finds its way to the natives.

#### SALMON-FISHING LAWS.

A few complaints have been made to me that traps were being placed in streams in violation of law. An investigation has not shown the facts to exist, and I know of no violations of the salmon-fishing laws:

#### QUALIFICATION OF JURORS.

I do not believe permanency of residence should be a prerequisite to eligibility for jury service in Alaska, and for the following reasons:

The citizens of Alaska being deprived of the right of elective franchise and self-government, every citizen of the United States found in or owning property in Alaska is equally interested with the permanent resident in seeing all laws enforced. The general land laws have not as yet been extended to Alaska. Her people have little encouragement to make here a permanent home. As a result, her population is largely transitory or migratory in its nature, and many of her best and most influential citizens are not permanent residents. These people would be of material assistance in enforcing the law were they competent to sit as jurors. I believe any citizen of the United States who is a competent juror in his own State ought to be a competent juror in Alaska. In that event, terms of court could be held in western Alaska, where they are so much needed; whereas, under the law as it now is, it is very difficult, if not absolutely impossible, to secure a sufficient number of competent jurors to hold a term of court in that section of the Territory.

#### GRAND JURIES.

Not less than sixteen grand jurors under the Revised Statutes, and seven under the Oregon code, are necessary to constitute a panel. I believe the lesser number would be more convenient and efficient in all respects.

#### DRAWING JURIES.

Among the inconveniences in drawing juries, not experienced elsewhere, may be mentioned, first, the limited number of competent jurors to be found within the Territory; second, the vast extent of territory from which they must be drawn; third, the inadequate means of communication between the various settlements, and consequent long delays in impaneling a jury.

#### DIFFICULTIES IN ADMINISTERING LAWS.

In addition to the difficulties above suggested in the way of a satisfactory administration of the laws of the Territory are the laws themselves, and the anomalous modes of procedure under which we are compelled to operate.

Perhaps the perpetrators of one-fourth of the crimes committed in Alaska are punishable under the United States statutes, while the other three-fourths are prosecuted under the laws of the State of Oregon in force on the 17th day of May, 1884. To illustrate: Prosecution for the crimes of murder and larceny are under the Revised Statutes, while those of shooting or stabbing with intent to kill, burglary, etc., must be under the laws of Oregon. The forms of procedure in the one case and the other are radically different, from the drawing of the juries to the entering of final judgment or sentence.

The form of procedure is always one of uncertainty. Each judge, in turn, upon assuming the duties of his office, and after months of laborious effort in trying to reconcile the organic act, the Revised Statutes, and the code of Oregon, has designated some form of procedure to be followed, with no assurance that his successor in office can conscientiously adopt the same form. And, indeed, so uncertain is the meaning of the language of the organic act that each judge who has occupied the bench since civil government was extended to Alaska in 1884 has placed a different construction on various clauses in the act.

Again, the criminal laws in the Revised Statutes which are applicable were passed nearly one hundred years ago, and the penalties prescribed are so severe that an enforcement of them is obnoxious to the advanced civilization of to-day.

Another serious obstacle to the enforcement of law in Alaska is the lack of all jail facilities in many important places, such as Unalaska, Unga, Kadiak, and Chilkat.

The officers at these and other places are powerless to enforce the laws because they have no kind of lockup in which to confine prisoners. Again, to illustrate, suppose the deputy marshal at Unalaska arrests a criminal and takes him before the United States commissioner. If it be a case of misdemeanor, and the commissioner imposes a fine, the defendant simply refuses to pay it. The marshal is unable to detain him until such time as he can be sent to Sitka, and the result is he is turned loose. The deputy marshal at Chilkat a few months ago arrested a native for stabbing another. He was guarded for days awaiting some means whereby the marshal could send him to Sitka. Before the arrival of the mail steamer the prisoner escaped and has not since been apprehended. Murderers are permitted to go at large at these places because the officers can do nothing with them in case of arrest. All this could be obviated by the outlay of a few hundred dollars at each place in building cheap wooden jails suitable for temporary use only.

## REMEDIES SUGGESTED.

I have enumerated a few of the disadvantages under which we labor.

For the relief desired I would unhesitatingly advocate the enactment of a code of laws by Congress for the government of Alaska. Our position is so peculiar, both politically and geographically, so different from that of any State or Territory of the Union, that I know of no code of laws now in existence which would meet the demands of Alaska. To that end I would suggest the appointment, by the proper authority, of a committee of three competent attorneys, residents of the Territory, one of whom should be the presiding judge of the district court, whose duty it should be to compile and report a code of laws for the government of Alaska, to be submitted to Congress for its approval and adoption.

If the above recommendation be deemed inexpedient, then I would suggest the repeal of the present prohibitory liquor laws, and in place thereof the adoption of a high license law, with strict prohibition of sale or gift to a native or minor of any intoxicating liquor, with jurisdiction conferred on United States commissioners to try all cases of violation of the law.

I would favor making the laws and procedure of the State of Oregon as they now exist the law and procedure for Alaska, with perhaps a very few exceptions.

If neither of these suggestions be deemed practicable, I would at least urge the amendment of the organic act so that there could be no doubt as to which of the laws of Oregon and which of the laws of the Revised Statutes are applicable to Alaska. I would also have it clearly defined as to the procedure governing our courts.

I am, very truly, yours,

C. S. JOHNSON,  
*United States Attorney.*

The GOVERNOR.

## APPENDIX C.

SITKA, ALASKA, August 17, 1891.

DEAR SIR: I am in receipt of your favor of recent date requesting such suggestions from me as might seem important in regard to the laws of Alaska and their enforcement, and submitting certain specific questions relating thereto.

It is difficult for me to give categorical answers without a preliminary statement involving suggestions upon other topics than those you have propounded.

The general laws of the State of Oregon, in force May 17, 1884, were, by the terms of our organic act, "declared to be the law in the District so far as the same may be applicable and not in conflict with the provisions of this act or the laws of the United States," and the organic act further declared that "the laws of the United States not locally inapplicable to said District and not inconsistent with the provisions of this act, are hereby extended thereto."

As I have had occasion to say before, in a recent decision, "it is left for the court to decide, as occasion may demand, whether or not any particular law of the United States is or is not 'locally inapplicable' to the district; whether any general law of Oregon is or is not in conflict with the provisions of the organic act or the laws of the United States, and whether it is or is not applicable to the Territory of Alaska." It has been held by the United States circuit court for the district of Oregon that it is only when the laws of the United States are silent, or make no provision on the subject, that resort can be had to the laws of Oregon, so far as they are applicable; that no law of Oregon is to have effect in Alaska if it is in conflict with a law of the United States, and that there is such a conflict, within the meaning of the statute, not only when these laws contain different provisions on the same subject, but when they contain similar or identical ones. (*Kie v. U. S.*, 11 Sawy., 579.)

Adherence to this rule has raised so many questions, caused so many inconveniences, and presented so many difficulties as to call imperatively for changes in our organic act.

Take, for instance, the crime of murder. If committed within any place or district of country under the exclusive jurisdiction of the United States (and Alaska has been held to be such), it is a capital offense and has no degrees. Under the Oregon laws the crime is either murder in the first degree, punishable with death, or murder in the second degree, punishable with imprisonment for life.

Nearly all the homicides committed within the district have been, so far as my judicial experience goes, committed by natives or Indians so called, and in their view justified by their traditions or religion. They fall more naturally within the definition of murder in the second degree, under the laws of Oregon, and have no elements even of the crime of manslaughter; yet, as they lack the deliberate and premeditated malice, which to an Alaskan jury would justify hanging, the verdict of guilty of manslaughter is invariably found, and the punishment that follows is inadequate to the offense.

So also as to the crime of rape, generally committed in this district upon or by natives. It is a capital offense under United States laws (which are the laws to be followed here), while in Oregon it is punishable by imprisonment; and I venture to say that the crime must be unparalleled in its atrocity to insure a verdict of guilty at the hands of an Alaskan jury.

The laws of Congress upon these subjects have not been changed since their enactment in 1790, although the States and Territories have provided wiser and more humane laws. In this regard it is just that Alaska should be placed upon the same plane as the State of Oregon.

Let me cite, as another instance, the difficulties met with in impaneling jurors. Under the acts of Congress, when grand and petit jurors are to be drawn, the names of not less than 300 qualified persons are to be placed in the box at the time of drawing. Under the Oregon laws the jury list contains the names of 200 persons, if there are that number of qualified jurors upon the assessment roll. In Alaska there is no assessment roll. Two terms of the district court are held here in each year, each requiring the drawing of a jury. It is simply impossible to comply with the United States law and place the names of 300 qualified persons in the box at each drawing, without calling upon citizens residing a thousand miles away, whom, in most cases, it would be difficult and inordinately expensive, if not impossible, to summon to court.

The laws of the United States also require not less than sixteen grand jurors, while the laws of Oregon require but seven. I believe the latter number to be sufficient to inquire into all crimes committed within the district. Jurors who serve in Alaskan courts have, generally speaking, the same qualifications and are entitled to the same exceptions as they would have under Oregon laws, and, although the duration of residence as a qualification for service might be shortened to advantage, I do not see any necessity for a change in other respects.

I think it would greatly facilitate the administration of justice in this District if by act of Congress we were permitted to conform the practice, pleadings, and mode of proceeding in criminal as in civil cases to the practice, pleadings, and mode of proceeding in Oregon courts; and if the general laws of Oregon in force at this date were, so far as applicable, declared to be the law of this District, instead of the laws of that State in force at the date of the organic act, we might be still further benefited by taking advantage of the advanced legislation of that State, at least until we are furnished by Congress with a code of our own.

Our four United States commissioners, residing respectively at Sitka, Juneau, Wrangell, and Unalaska, have the jurisdiction and powers of commissioners of the United States circuit courts, and exercise all the duties and powers, civil and criminal, conferred on May 17, 1884, on justices of the peace under the general laws of the State of Oregon, so far as such laws may be applicable in this District and not in conflict with the organic act or the laws of the United States. They have also the jurisdiction in testamentary and probate matters which in Oregon was then given to the county judges of that State, with certain other powers. The organic act further provides that they shall each receive a salary of \$1,000 per year and the usual fees of United States commissioners and of justices of the peace for Oregon. In respect to these fees there has been a continued controversy with the Departments at Washington, still remaining unsettled. Their jurisdiction as justices of the peace permits their deciding certain civil cases involving not more than \$250, and a limited class of petty criminal cases. If their jurisdiction were increased so as to include cases involving not more than \$1,500 or \$2,000 and cases of misdemeanor, with an appeal to the present district court where proper, it would augment their authority and importance throughout the Territory and lead to a more summary adjustment of civil rights and more speedy punishment for crime, both of which are very desirable. In such case the salaries of these officers should be increased to, say, \$2,500 per year in lieu of all fees.

There does not seem to be under existing laws any available means of effecting the organization or incorporation of municipalities or towns within this district with power to make or enforce needful police, sanitary, or financial regulations. Such legislation has long been needed and would be a fitting supplement to the townsite laws recently enacted by Congress.

All the needs I have mentioned might easily be supplied by amendments to our organic act, which could hardly meet with opposition in Congress.

The following may be briefly recapitulated as follows: First, the application of existing Oregon laws in place of those in force May 17, 1884, so far as applicable. Second, the special application of the existing laws of Oregon, in place of the United States laws, as regards the crimes of murder and rape. Third, the special application of the laws of Oregon relating to grand and petit juries and their mileage. Fourth, increasing the jurisdiction and salaries of United States commissioners. Fifth, conforming the pleading, practice, and mode of proceedings of all Alaskan courts in criminal cases to those of the courts of Oregon. Sixth, giving to our people the power to create municipalities.

Upon the other matters suggested in your letter I do not care at present nor in this manner to express my opinions.

I am, very respectfully, yours,

JOHN S. BUGBEE,

*United States District Judge, District of Alaska.*

Hon. LYMAN E. KNAPP,  
*Governor of Alaska.*

[Extract from the report of the governor of Alaska for the fiscal year ended June 30, 1892.]

In the criminal trials in the United States district court, of which there were 12, 1 defendant was charged with selling intoxicating liquor to Indians; none with selling to others than Indians.

In the criminal trials in the Sitka commissioners' court, of which there were 121, 13 defendants were charged with selling intoxicating liquor to Indians; none with selling to others than Indians.

In the criminal trials in the Juneau commissioners' court, of which there were 244, 28 defendants were charged with selling intoxicating liquor to Indians; none with selling to others than Indians.

In the criminal trials in the Wrangell commissioners' court, of which there were 43, 19 defendants were charged with selling intoxicating liquor to Indians; none with selling to others than Indians.

There was no prosecution for selling intoxicating liquor to Indian or white in the court of the commissioner at Unalaska.

The trials in the district court were mostly by jury; those in the lower court were mostly without jury. In the trial of liquor cases, as in other cases, it may be said that, with certain and sufficient proofs of guilt, there were few failures of conviction. What might have been the result if the charge had been sales to white men does not appear.

It may be well to note the fact that under section 14 of the act of May 17, 1884, known as the "organic act," no distinction is made between selling to Indians and white men, but a general prohibition is enjoined; and the court has held that the word "Indian" in an indictment is surplusage. But the fact remains that the defendants were arraigned for selling to Indians, and proofs were presented of sales to Indians only. That intoxicating liquors of various kinds are sold openly and without concealment to white men in all the principal towns of southeastern Alaska is notorious and will not be denied. That intoxicating liquor in disguised forms as "lemon extract," "Jamaica ginger," "Hostetter's bitters," etc., are sold in large quantities to Indians is an equally conceded fact. The attention of the district attorney has been repeatedly called to these facts, verbally and in writing, officially and unofficially, and he has been urged to take such action as might be necessary to relieve the administration from the odium of charges of unfaithfulness or inefficiency in the execution of this law.

It has been alleged, in excuse for neglect to prosecute offenders against the prohibitory law of Alaska, that public sentiment will not sustain prosecutions; that convictions can not be secured, however strong the proofs; that grand juries will not indict any man for selling intoxicating liquor to white men.

I am not prepared to dispute these allegations; and yet I do not like to believe that there are no honest men in Alaska who have no regard for their oaths. If an honest and vigorous effort were made, if prosecutions were brought and pushed to issue with the thoroughness which ought to characterize the actions of men intrusted with the responsibilities of office, then failure might prove the existence of such an unfortunate lack of integrity on the part of the citizens of the Territory as is implied in the allegations above cited.

It is true grand juries act secretly, and it would scarcely be becoming in me to assume to give an account of their deliberations or their undisclosed acts. It will be seen from the above court statistics however, since commissioners' courts have no grand juries, that out of the sixty-three trials for selling intoxicating liquor reported, sixty-two were commenced by information or complaint, and no grand jury had any hand in the business whatever. Besides, a district attorney ought to carry his sense of responsibility for the enforcement of the criminal laws of his district into the grand-jury room. Can a man of ability and vigorous personality have no influence to prevent injustice and crime and criminal neglect and disregard of official obligation because of the veil of secrecy over the discussions in that body?

In a letter published in the report of the governor of Alaska for the fiscal year 1891, Appendix B, the district attorney says:

"There are also many persons openly engaged in selling intoxicating liquors contrary to law. These facts I have laid before each grand jury, advising them that it

was their sworn duty to indict all such persons. Yet in every instance they not only refused to indict, but have refused to hear any testimony upon the subject whatever."

This is a serious indictment. The men composing those grand juries were sworn officers of the court. Failure to bring an indictment when proper proofs were presented was perjury. Refusal to receive testimony may be contempt of court, and is at least an exhibition of unfitness to serve in the important and responsible office of jurors. If the allegation is well founded it discloses a condition of things which requires heroic treatment. It is difficult to see how, under such circumstances, a district attorney can do less than report the facts in open court, so that the judge can judicially determine whether or not the conduct of the jurors is worthy of censure or punishment, and whether there is such a disregard of their sworn obligations as to unfit them for further service in the capacity of officers of the court. It would seem that self-respect, as well as official obligation, demands that much.

At the May term of the district court held at Juneau, 1892, an important case of criminal libel, in which the evidence was overwhelming, was reported adversely by the grand jury without the formality of hearing the testimony of the complaining witness or any other witness for the prosecution. It seems that the district attorney was also ignored. At least he was not present when the case was considered, and some hours after the report was filed admitted ignorance of any action having been taken. Whether his lack-vigor, indifferent manner of prosecuting offenses against the liquor law, and the tameness with which he allowed himself to be thrust aside when his propositions on that subject were ignored had anything to do with this neglect or not I do not know. The respectful attention afterwards given to the statement of the complaining witness by the jury, when he was allowed on his own application to go before them, though too late for action on their part, suggests at least the probability that they would have listened to the attorney if he had wished to be heard. Another case which came under the personal notice of the writer was a complaint for perjury against a prominent citizen of the Territory, who had made two sworn statements before the commissioner, so inconsistent the one with the other that both could not be true. They had been made deliberately and with a full knowledge of the consequences, and in an important case involving the good name and personal liberty of another citizen. When this matter was before the grand jury for consideration the district attorney had private business to attend to in the form of trials of civil causes in which he was a retained attorney and could not attend to the matter before the grand jury. It was not strange that no bill was found.

I have deemed it my duty to refer to these matters because the law compels me to share the responsibility with the other officers in the discharge of their duties. My theory of the duties of executive officers is not original with me, but I am no less strongly impressed with their obligation to discharge them unflinchingly and without regard to personal consequences. I assume that however objectionable a law may be it is not the province of executive officers to ignore it. It is their manifest duty to enforce all laws with uncompromising vigor and leave all questions of their expediency and wisdom to the lawmaking power.

[Extract from the report of the governor of Alaska for the fiscal year ended June 30, 1893.]

#### LIQUOR TRAFFIC.

The law prohibiting the importation, manufacture, or sale of intoxicating liquors in Alaska is (in its present construction) a source of irritation and discontent among all classes of people in the Territory. It gives rise to a large traffic in smuggled liquors, mostly from British Columbia, which our custom officers can not prevent and have not the means to suppress. Either the law should be changed or the revenue officers provided with the means to enforce its provisions.

Under the regulations made by the President and promulgated in Treasury Circular No. 34, dated March 12, 1892, the governor of the Territory may grant permits to sell intoxicating liquors for medical, mechanical, and scientific purposes. He may also revoke these permits for any violations of the regulations under which they were granted.

[Extract from the report of the governor of Alaska for the fiscal year ended June 30, 1894.]

#### INTOXICATING LIQUORS.

The act of Congress, approved May 17, 1884, creating a civil government for the Territory of Alaska, provides:

"SEC. 14. That the provisions of chapter three, title twenty-three, of the Revised Statutes of the United States, relating to the unorganized Territory of Alaska, shall remain in full force, except as herein specially otherwise provided; and the importa-

tion, manufacture, and sale of intoxicating liquors in said District, except for medicinal, mechanical, and scientific purposes, is hereby prohibited, under the penalties which are provided in section nineteen hundred and fifty-five (1955) of the Revised Statutes of the United States, for the wrongful importation of distilled spirits. And the President of the United States shall make such regulations as are necessary to carry out the provisions of this section."

Section 1955 of the Revised Statutes of the United States provides as follows:

"The President of the United States shall have power to restrict the importation of distilled spirits into and within the Territory of Alaska. The exportation of same from any other port or place in the United States when destined to any port or place in that Territory, and all such \* \* \* distilled spirits exported or attempted to be exported from any port or place in the United States, and destined for such Territory, in violation of any regulations that may be prescribed under this section, and all such \* \* \* distilled spirits landed or attempted to be landed or used at any port or place in the Territory in violation of such regulations, shall be forfeited; and if the value of same exceeds four hundred dollars the vessel upon which the same is found, or from which they have been landed, together with her tackle, apparel, and furniture and cargo, shall be forfeited; and any person willfully violating such regulations shall be fined not more than five hundred dollars or imprisoned not more than six months."

This, together with section 3240 of the general laws of the United States and section 669 of the Oregon law, comprises all the laws applicable to Alaska. The Treasury Department, or the collector of customs, acting under that Department, is intrusted with the execution and enforcement of the law as provided in section 1955 of the Revised Statutes.

I believe that all the gentlemen who have held the position of collector of customs in Alaska with whom I have become acquainted during the past seven years, have endeavored to earnestly and honestly perform their duty with respect to this law, and I know that no one has made greater efforts to enforce its provisions than the present incumbent.

Notwithstanding the efforts of the collector of customs, his deputies, and all the other civil officers in the Territory, intoxicating liquors are imported, landed, and sold without stint in every white settlement in Alaska.

Congress appears to have been content with passing a prohibitory law for the District of Alaska without providing any of the auxiliaries necessary and indispensable for the execution and enforcement of the same. There are no roads in Alaska, and all travel and transportation of merchandise must be by water navigation.

Alaska has 4,000 miles of seacoast and 20,000 miles of shore line to be watched and guarded against the smuggler of intoxicating liquors and contraband goods. As yet the customs officers have not been supplied with any kind of transport with which they could pursue, seize, and search vessels engaged in the illicit traffic.

Within the past year the collector of customs for Alaska has seized and forfeited 776 gallons of whisky and brandy, 462 bottles of whisky, and 17 pounds of opium—smuggled goods.

The United States district attorney for the District of Alaska is charged with the duty of prosecuting all persons accused of violating provisions of section 14 of the organic act which prohibits the importation, manufacturing, and sale of intoxicating liquors in said District. The law makes no distinction as to whether the vendee be an Indian or a white man, but public sentiment is so unanimously against the practice of selling or giving liquor to Indians that none but the lowest outcast will be found in the business.

Grand juries do not fail to find true bills of indictment, petit juries do not hesitate to try and to convict, and the court does not delay in passing sentence upon anyone found guilty of this crime. But when white men are accused of selling intoxicating liquors to white men the case is entirely different, so far as juries are concerned. Public sentiment is almost unanimously the other way.

The organic act has been the law of the Territory since May 17, 1884, and a great number of persons have been accused, arrested, and prosecuted by the successive district attorneys at almost every term of the United States district court held in Alaska. Yet in opposition to the repeated and forcible charges of the judge of the United States district court, and his earnest efforts to enforce the law, the grand juries have neglected to find bills of indictment against the offenders, and the records of the court fail to show that anyone at any time has been indicted, tried, or convicted of the crime of selling intoxicating liquors to white men.

The district attorney reports that 33 persons are under bonds to appear before the United States district court at Juneau, Alaska, in November next, for selling liquor in violation of the special internal-revenue law; 37 persons for importing and selling liquor contrary to section 1955 of the Revised Statutes of the United States, and 20 persons for all other offenses.

On the 1st of July, 1894, the collector of the internal revenue, after a suspension

of about one year, resumed the issuance of special-tax stamps to all persons engaged in the liquor traffic in Alaska. Since that time 34 liquor dealers and 4 brewers have paid the special tax of \$25 each and received their receipts from the collector of internal revenue.

For a period of one year from the 1st of July, 1893, no special internal-revenue tax was collected from, or receipts issued to, the liquor dealers or breweries in Alaska, except to those who had a permit from the governor to sell liquors for medicinal, mechanical, and scientific purposes. Several liquor dealers, not wishing to incur the penalties of the law relating to the collection of the internal revenue, retired from the business and the breweries all suspended operations. During this period there was a marked decrease in the amount of intoxicants consumed.

The special revenue-tax stamp confers no right, power, privilege, or license to import, manufacture, buy, or sell intoxicating liquors in Alaska in contravention to the local law. The law so declares, the receipt so reads, and all the higher courts have so decided. It is well understood that this stamp is not a license to sell intoxicants; yet, when a person accused of that crime produces in court this evidence of his having paid a tax into the Treasury of the United States as a liquor dealer in Alaska it stultifies the case exceedingly.

The Executive orders concerning the sale of intoxicating liquors in the Territory of Alaska, as promulgated in Treasury Circular No. 34, dated at Washington, D. C., March 12, 1892, provides for the sale of intoxicating liquors for medicinal, mechanical, and scientific purposes, by such persons in said Territory as have complied with the regulations, and obtained a special permit from the governor of the Territory.

On assuming the duties of the executive office of this Territory, August 28, 1893, I found that three persons were holding permits from the governor of the Territory allowing them to sell intoxicating liquors for medical, mechanical, and scientific purposes, one at Douglas and two in the city of Juneau. On September 20, 1893, two other permits were granted to two druggists in the city of Juneau.

Mr. John F. Gray filed charges, dated Juneau City, December 28, 1893, with the Secretary of the Treasury at Washington, D. C., alleging that the three several druggists in the city of Juneau, who held permits to sell intoxicating liquors, had violated the regulations made by the President allowing such sales to be made. The complaint was referred to the Secretary of the Interior Department, and by him referred to the governor of Alaska for investigation and report.

On receipt of the complaint I proceeded to the city of Juneau and made a thorough examination of the charges and allegations made by Mr. John F. Gray against the three persons who held such special permits, and upon a careful investigation the charges and allegations were sustained. I therefore suspended all such special permits to sell intoxicating liquors in Juneau, Alaska.

No more special permits were granted in Juneau City until the 19th of May, 1894, at which time one special permit was issued, and on the 20th of September, 1894, one special permit was renewed in Sitka, and these two are all the existing special permits to sell intoxicating liquors for medical, mechanical, and scientific purposes in Alaska at this date.

The law prohibiting the importation, manufacture, and sale of intoxicating liquors in Alaska should be amended in such a manner as to enlist at least a portion of the people of Alaska in support of the court and the civil officers in their efforts to enforce its provisions.

[Extract from the report of the governor of Alaska for the fiscal year ended June 30, 1895.]

#### INTOXICATING LIQUORS.

The importation, manufacture, and sale of intoxicating liquors in the Territory of Alaska is prohibited by the laws of the United States. The enforcement of these laws has proven to be a difficult matter.

When anyone has been charged with the offense of selling intoxicating liquors to white men, or of manufacturing malt beer, the grand juries have uniformly refused or neglected to find a true bill of indictment, and the offender goes without punishment. Both the venders of intoxicating liquors and the manufacturers of malt beer, when arrested for violating the law, set up the defense that their business is a lawful one, and that it is carried on with the sanction of the Government, and in proof of this they will offer in evidence Government receipts issued by the Commissioner of Internal Revenue, or his deputies, for money paid into the Treasury of the United States.

This special internal-revenue receipt confers no right or privilege or license to import, manufacture, buy, or sell intoxicating liquors in Alaska in contravention to the local law or the law of Congress, as applied to Alaska, prohibiting the same. The grand juries have taken the position that Alaska has no local law, and that any law of Congress is equal to any other law enacted by the same authority, and that



when anyone has complied with the requirements of the internal-revenue law he is not subject to indictment for violation of the prohibiting act, and this appears to be in accord with the sentiment of the people, a large majority of whom are not in sympathy with the prohibitory laws.

The collector of customs for the District of Alaska has been faithful and vigilant in the discharge of his official duties in trying to suppress the smuggling of intoxicating liquors into this Territory, and has used all the means under his control for that purpose. A United States revenue cutter has been cruising in the waters of southeastern Alaska during part of this summer on the lookout for the small craft by which the smuggling business is carried on. Notwithstanding the efforts of the collector of customs, his deputies, and the presence of a United States cutter, this illicit traffic appears to suffer no abatement.

At almost every term of United States court held in the Territory since the inauguration of the civil government, eleven years ago, there have been a number of persons held under bonds to appear and answer to the charge of selling intoxicating liquor in the Territory of Alaska in violation of the statutes of the United States made and provided.

Up to the present hour not one of all the accused has ever been indicted, tried, or convicted of that offense when the vendee was a white man. The liquor traffic in Alaska, carried on as it is in violation of existing law, has a most demoralizing effect upon the people, both white and native. It begets a disregard of all law, and has fostered smuggling and the clandestine importation of intoxicating liquors into the Territory, until the illicit traffic has become so well organized that it is almost impossible of detection.

Some laws should be enacted by Congress by which the business of importing, manufacturing, and selling intoxicating liquors in Alaska should be restricted, regulated, or controlled, and the traffic in smuggled goods and liquors forever destroyed.

As it now is liquor of all kinds can be obtained at any white settlement in any quantity. Two thousand barrels of malt beer were manufactured at Juneau, Alaska, during the past year. The internal-revenue tax was paid as follows: Juneau, liquor dealers 25, brewers 2; Douglas City, liquor dealers 10, brewers 1; Sitka, liquor dealers 5, brewers 1; Wrangell, liquor dealers 1, brewers 1. But two permits were granted this year by the governor to sell liquors for medical, scientific, and mechanical purposes; one at Sitka, the other at Unga.

All the officers of the civil government in the Territory of Alaska have performed their official duties with zeal and fidelity. Mr. Lytton Taylor, the United States district attorney, resigned, and Mr. Burton E. Bennett, a gentleman of legal ability, has been appointed in his stead.

#### LEGISLATION.

We would respectfully recommend that Congress pass an act without delay making provision for the incorporation of municipalities, providing for and giving such powers as are by usage exercised by similar corporations. The city of Juneau is a mining town of 2,000 inhabitants, without any organized or local government whatever. The recent increase in the population at that place makes the necessity of some kind of protection imperative.

The governor of the Territory should be empowered to appoint justices of the peace and constables. I would also recommend that the President of the United States be authorized to appoint a commission of five to propose amendments to the "organic act" and to draft a code of laws, civil and criminal, for the government of the Territory, and that a sufficient amount be appropriated out of the Treasury of the United States to bear all reasonable expenses of the same, and such report to be submitted to the next session of Congress for their approval, and unless approved by act of Congress such report shall be void.

Very respectfully, your obedient servant,

JAMES SHEAKLEY,  
Governor of Alaska.

